

Conflict Prevention and Resolution Forum: February 10, 2004
Renegotiating an Effective Non-Proliferation Regime

Notes from the comments of Jonathan Dean, Caroline Russell & Jon Wolfsthal

Jonathan Dean began his remarks by describing some recent challenges to the non-proliferation regime, including: the trading of Pakistani nuclear information with Iran, Libya and North Korea by Dr. Khan, the Iranian and North Korean violations of the Non-Proliferation Treaty, and the non-participation of India, Israel and Pakistan in the non-proliferation regime. Ambassador Dean suggested that these examples illustrate the recent disintegration of the non-proliferation regime in terms of effectiveness and public esteem. According to Ambassador Dean, these challenges risk the complete collapse of the non-proliferation regime, which could result in a proliferated world with an increased danger of attack.

Ambassador Dean outlined several options for strengthening the non-proliferation regime - most involving actions by the Security Council. Ambassador Dean suggested negotiating a solution with North Korea. Such negotiations would demand flexibility with both aid and security assurances. The IAEA should be allowed to broaden their inspections and the Security Council should agree in advance on penalties to be applied when security requirements are violated. The Security Council should also establish a permanent inspection core that would publicize the attempts of would-be proliferators.

Ambassador Dean commented on the ease of withdrawal from the Non-Proliferation Treaty. Currently, participating countries have a withdrawal period of 90 days. Ambassador Dean proposed that this withdrawal period be increased to five years to ensure that the international community has sufficient time to dissuade the country in question, and to minimize the international dangers that might arise from a sudden withdrawal. Ambassador Dean also suggested that enrichment plants and reprocessing plants be placed under international control and called for better export controls to minimize the transfer of nuclear materials between states.

Caroline Russell opened by illustrating some of the successes and failures of the non-proliferation regime. Among the failures, she cited the lack of universal participation and the lack of resources the IAEA has to carry out its mission. Among the successes, Ms. Russell cited the number of states that have joined the regime, as well as the recent cooperation and information sharing by Libya and Pakistan. Ms. Russell argued that rather than renegotiating the non-proliferation regime, it should be strengthened. She noted that the international community must work together as a whole if the regime is to be improved.

Ms. Russell presented two examples of non-cooperative states - North Korea and Iran. Violators of the Non-Proliferation Treaty since 1993, both countries have expelled IAEA investigators from their countries. In 2001, the IAEA found evidence in Iran suggesting that the country had been building their nuclear program for over two decades. Under international pressure, Iran agreed to cooperate with the IAEA and to suspend its enrichment activities. More recently however, Iran's willingness to cooperate has been questioned. Ms. Russell called for

continued international pressure on Iran, and for multilateral negotiations with both Iran and North Korea.

Ms. Russell explained that initiatives to strengthen the IAEA system, such as new tools to detect nuclear activities, have helped to broaden access and provide more transparency. However, Ms. Russell noted that the IAEA still needs additional technical and financial resources to do its job effectively. In conclusion, Ms. Russell suggested that in order to meet recent challenges to the non-proliferation regime and obtain universal compliance, the international community will have to work together and hold countries accountable.

Jon Wolfsthal began by stating that the international community could benefit from re-examining the traditional non-proliferation regime and combining it with new and emerging tools, such as military capabilities. Mr. Wolfsthal conceded however, that renegotiation of the Non-Proliferation Treaty might cause more problems. Questions about the non-proliferation regime that plague the international community include: is the non-proliferation treaty failing and are the failures of the regime a systems or case failure? In response to these questions, Mr. Wolfsthal asserted that there are parts of the treaty that work well and parts that don't, and that the failures of the non-proliferation regime are both systems and case failures.

Mr. Wolfsthal raised several issues regarding the nuclear fuel cycle:

- All states are entitled to benefit from peaceful use of nuclear energy.
- No country's right to safeguard activities can be infringed.
- Certain nuclear materials are not needed for peaceful uses.
- Is the international community going to redefine responsibilities of sovereign states in possessions of nuclear capability?
- What responsibilities accrue with having nuclear capabilities?

To address some of these issues, Mr. Wolfsthal suggested creating new institutional barriers and establishing a new norm whereby states are discouraged from building nuclear devices and are given incentives for not doing so, such as receiving fuels and medical isotopes.

Mr Wolfsthal concluded that the world is awash in nuclear material and that the key question for the international community should be, how do we deal with existing nuclear facilities? Mr. Wolfsthal noted that the supply of nuclear materials could be a fantastic market opportunity, if nuclear supplies were to be removed from national control and placed under international control on a commercial basis.