

INTERNATIONAL SEMINAR

NUCLEAR DISARMAMENT AND NON-PROLIFERATION
THE FUTURE OF THE NPT

RIO DE JANEIRO OCTOBER 29-30, 2009

**The Future of the NPT:
Should it be Enhanced, Changed or Replaced?**

P. Goldschmidt

Should the NPT be Enhanced, Changed or Replaced?

Short answer: it should neither be changed nor replaced, but fully implemented and enforced.

The non-proliferation verification regime will be effective only if:

1. IAEA Secretariat can promptly detect undeclared nuclear material and activities
2. Non-compliance with SG agreements are duly reported
3. UNSC acts effectively and promptly if non-compliant state fails to fully cooperate with IAEA.

Can be achieved to a large extent without modifying NPT or model SG agreements

1- Detecting Undeclared NM and Activities

- States must have an Additional Protocol in force
- States must provide early design information
- “Special inspections” must be implemented when requests for voluntary access are denied
- IAEA Member States must systematically provide relevant information to the Secretariat.

1- Detecting Undeclared NM and Activities

The Additional Protocol (AP)

- Without an AP Agency unable to provide credible assurance of absence of undeclared NM and activities
- IAEA GC resolutions request “to bring AP in force asap”.
- 6 NNWSs with significant N activities have not signed AP: Algeria, Argentina, Brazil, Egypt, Syria, Venezuela.
 - Only Brazil operates sensitive centrifuge enrichment facilities
- Argentina ready to sign AP if Brazil does.

Why has Brazil so far refused to conclude the AP thereby weakening the global non-proliferation regime?

1- Detecting Undeclared NM and Activities

The Additional Protocol (AP) and Brazil

Brazil only NSG member opposing adoption of AP as export condition for sensitive technology.

Is Brazil resisting AP conclusion for technical or political reasons or both?

Technical Reasons

- Need to protect proprietary technical information:
 - what makes Brazil's centrifuge enrichment facilities so different from similar plants in Japan, Germany or the Netherlands?
- Agency might find confidential info related to NW programme undertaken before joining the NPT in 1998:
 - Has not been a problem in South Africa which had NWs before joining NPT, or in Canada (cf. Manhattan Project)
 - Agency only interested in confirming that **presently** no undeclared nuclear material and activities

1- Detecting Undeclared NM and Activities

The Additional Protocol (AP) and Brazil

Political Reasons

- Frustration because “great emphasis was given to non-proliferation. But nuclear disarmament has received little attention” (Minister Celso Amorim).
 - In all fairness this is no more the case today
 - Brazil’s refusal to conclude the AP is not the best way to promote nuclear disarmament
- Frustration because double standard between “nuclear haves” and “have nots”
 - inconsistent with Brazil’s vote for the NSG “Indian exception” without even requiring ratification of CTBT.

1- Detecting Undeclared NM and Activities

The Additional Protocol (AP) and Brazil

By not concluding the AP, Brazil is indirectly supporting States like Iran (which has violated its IAEA safeguards agreement) and Syria (which “severely impeded” Agency’s verification activities), thereby further eroding the effectiveness of the non-proliferation regime.

It would be useful for Brazil to clearly explain what benefit it gains from not concluding the AP and blocking the NSG from making the AP an export condition for sensitive nuclear fuel cycle-related activities.

2 - Reporting Non-Compliance

According to the IAEA Statute “the inspectors shall report **any non-compliance** to the Director General who shall thereupon transmit the report to the Board of Governors”

Contrary to the BoG, the IAEA Secretariat is expected to act as a technical and totally apolitical body in order to maintain its reputation of objectivity and impartiality.

The fact that there is no official definition of what constitutes “non-compliance” should not be used as a pretext by the Secretariat for not reporting promptly, fully and factually any serious or deliberate failures and breaches of safeguards undertakings including those of agreed Subsidiary Arrangements

3 – Responding to Non-Compliance and NPT Withdrawal

Non Compliance

Deterring a state from violating its non-proliferation undertakings unlikely if it feels protected by a veto-wielding member of the UNSC.

If non-compliant state does not actively cooperate with IAEA, only UNSC can provide IAEA with necessary extended legally binding verification authority.

To guarantee prompt action, **UNSC** should adopt (under Chapter VII) a multi-stage generic (i.e. not state specific) **resolution**:

- **Requiring** non-compliant state to temporarily grant extended access rights to the Agency
- **Requiring** non-compliant state, if it does not fully cooperate with the Agency, to **temporarily** suspend all sensitive nuclear fuel cycle activities
- **Requiring**, if non-compliant state persists in its refusal, all states to suspend all military cooperation (with no negative impact on ordinary citizens)

3 – Responding to Non-Compliance and NPT Withdrawal

NPT Withdrawal

Countries violating their SG agreements and/or the NPT should not feel free to withdraw from it, develop NWs, and enjoy the fruits of their violation with impunity.

→ UNSC generic resolution stating that if a state withdraws from NPT **after** found in non-compliance, it constitutes a threat to international peace and security.

In such case all N material and equipment made available will forthwith be frozen and removed from the state under IAEA supervision and SG. If not, all military cooperation would be suspended.

Conclusion

Brazil seeks a permanent seat on the UN Security Council.

“Brazil is now on every list of the half-dozen or so new places that matter in the 21st century. Admirably for a would-be great power, Brazil has renounced nuclear weapons. Less admirably...it has refused to sign an improved safeguards protocol... (The Economist, 13 August 2009)

Dalton Barroso PhD thesis on “numerical simulator of thermonuclear detonations” for IME

More worrisome are the statements made thereafter:

- Enrico Figueiredo: *Brazil “should begin to discuss whether or not to join the group of nations that have nuclear arsenals”*
- Rep. Jair Bolsonaro: Congress should give political support for the military to develop the military arsenal, as do countries like Pakistan

Conclusion

To claim that manufacturing NWs is prohibited in Brazil's Constitution will not be sufficient to reassure the international community

As a great nation and a key member of the IAEA, Brazil should lead by example and conclude its Additional Protocol with the Agency before the 2010 NPT Review Conference.