



Recommendations for Improving Non-Proliferation Efforts

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A. Introduction

A.1. Background

The proliferation of nuclear weapons poses a persistent threat to international security. Although the Nuclear Non-proliferation Treaty (NPT) recognises five nuclear weapons possessor states, and though the treaty's architecture reinforces global norms against nuclear proliferation, the possession of nuclear weapons by non-treaty-recognised states, and the failure by certain NPT States Parties to meet their own obligations under the Treaty, continues to challenge the global nuclear non-proliferation regime.

A.2. Scope

The non-proliferation working group (hereafter referred to as "the working group") centred its research on two non-proliferation case studies: Iran and North Korea. Where the international community succeeded in curtailing the former's civilian nuclear programme and staving off its military breakout, the latter developed a robust and sophisticated nuclear weapons programme despite coordinated multilateral attempts to prevent it from doing so. Both case studies exemplify important lessons for the future of non-proliferation policy. The working group identified three primary lessons from

previous non-proliferation efforts, and in this paper puts forth five policy recommendations guided by those lessons. The policy recommendations outlined below are intended to inform future nuclear non-proliferation efforts and agreements.

North Korea is the newest state to acquire nuclear weapons, and Iran's civilian nuclear programme is developing at a pace that could raise concerns in the region over its nuclear ambitions and, in the worst case, prompt its neighbours to consider developing nuclear weapons to counter the perceived threat posed by Iran. There are several analogous patterns in the nuclear histories of North Korea and Iran. Both cases started with declarations of commitments to the nuclear non-proliferation regime, which evolved into promises of denuclearisation or nuclear limiting agreements with external powers, but which regrettably deteriorated into confrontation and nuclear escalation. The 1994 Agreed Framework agreement with North Korea and the 2015 nuclear deal with Iran, formally known as the Joint Comprehensive Plan of Action (JCPOA), were each considered a success story for nuclear non-proliferation but the Agreed Framework collapsed in 2002 and the future of the JCPOA remains uncertain.

The JCPOA is an agreement reached in 2015 between Iran, the permanent five members of the United Nations Security Council (China, France, Russia, the United Kingdom, and the United States), Germany, and the European Union. The agreement imposes limits – some permanent – on Iran's civilian nuclear programme in exchange for the alleviation of economic sanctions levied against Iran. The deal was negotiated with an aim to extend the length of time it would take for Iran to produce enough fissile material for a single nuclear bomb. Beyond that, the JCPOA commits Iran to strict verification and monitoring oversight from the International Atomic Energy Agency (IAEA) and prohibits Iran from ever pursuing a nuclear weapons programme or engaging in weaponisation activities. In May 2018, the United States withdrew from the agreement and reimposed stringent economic sanctions against Iran. One year later, Iran began breaching JCPOA limits, including by limiting IAEA inspector access to its nuclear sites. As of March 2021, discussions surrounding U.S. re-entry to and restoration of the deal, and the possibility for follow-on agreements to strengthen and lengthen the accord, are ongoing.

Provoked by North Korea's announcement of its intention to withdraw from the Nuclear Non-Proliferation Treaty (NPT) and its non-compliance with IAEA safeguards, the Agreed Framework was reached between the United States and North Korea, signed in October 1994. The agreement proposed the replacement of North Korea's indigenous nuclear power reactor with two, more 'proliferation-resistant', light-water reactors in exchange for supplementing North Korea with fuel oil pending construction of the reactors. This would provide formal peace and national security assurances to North Korea, against the threat or use of nuclear weapons by the United States. Nevertheless, U.S.-North Korea relations remained tense. Washington did not live up to its end of the bargain. Heavy fuel shipments were often delayed, and little progress was made toward normalising diplomatic or economic relations. The Agreed Framework collapsed in 2002 after the United States accused North Korea of pursuing uranium enrichment activities, a violation of their commitments under the Agreed Framework, and North Korea condemned the slow construction of light-water reactors.

Following North Korea's withdrawal from the NPT in 2003, China, Japan, Russia, North Korea, South Korea, and the United States began meeting through the Six Party Talks, a dialogue aimed at finding a peaceful resolution to the security concerns about the burgeoning North Korean nuclear programme. Meetings consisted of six rounds of negotiations and succeeded in garnering an agreement from North Korea to shut down its nuclear facilities in exchange for fuel aid and steps towards the normalisation of relations with the United States and Japan. North Korea tested its first nuclear weapon in 2006, emerging as a nuclear-weapon state, but productive and intermittent discussions continued between the Six Parties for several years. After the United Nations Security Council issued a statement condemning North Korea's failed satellite launch, North Korea declared on April 14, 2009 that it would pull out of Six Party Talks.

B. Lessons from Previous Non-proliferation Efforts

B.1.a. Engage Regional Partners

Israel and the Gulf States, namely Saudi Arabia, Bahrain, and the United Arab Emirates, have expressed concern that the JCPOA failed to adequately curtail Iran's nuclear programme, or the military threat posed to the region by Iran's ballistic missiles and support for proxy groups. Although the JCPOA succeeded in temporarily alleviating the risk that Iran's

nuclear programme would continue developing at a rapid pace, it granted Tehran increased capital through sanctions relief that Riyadh, Manama, and Abu Dhabi, along with Tel Aviv, view as supporting Iran's destabilising activities in the region. Since these nations were not involved in the negotiation process of the P5+1 and Iran, their concerns were left to be addressed in future regional agreements, which ultimately decreased buy-in from Iran's neighbours.

South Korean officials felt sidelined by negotiations on the Agreed Framework and by Washington and Pyongyang's failure to include Seoul in important dialogue that directly affected its national security interests. South Korean public support for the non-proliferation agreement waned throughout the eight years the agreement was in place, jeopardising the political and financial support needed to preserve the framework. For its part, North Korea was dissatisfied with South Korea's involvement in the provision of light water reactors under the deal, which required an elaborate arrangement whereby South Korea informed the technical modelling of an "original US design." North Korea deemed the delayed construction of those reactors a violation on the part of the United States, which contributed to the collapse of the agreement in 2002.

The Six Party Talks succeeded in reaching several critical breakthroughs: North Korea pledged to abandon its nuclear weapons and return to the NPT in 2005 in exchange for certain concessions from the other states, and the Six Parties outlined an implementation roadmap in 2007. Regional partners played a critical role in garnering those concessions from North Korea. South Korea agreed not to host U.S. nuclear weapons on the Korean peninsula, and, together with China, Japan, Russia and the United States, expressed a willingness to supply North Korea with energy aid. Japan also pledged to normalise relations with North Korea. Those achievements never came to fruition but exemplify an important lesson on the value of regional dialogue and engagement. Even in cases as acrimonious as tense relations on the Korean peninsula, maintaining ongoing dialogue – even if that dialogue is slow to produce tangible outcomes – is a powerful sign of possibility.

B.1.b. Policy Recommendations

Nuclear non-proliferation agreements and regional stability efforts need not be deeply intertwined, but they must support, complement, and strengthen the other. For example, where malign behaviour and threats of violence plague regional support for such agreements, negative security assurances can be exchanged for formal recognition and endorsement of non-proliferation agreements by all states in the region.

Regional partners should lead regional talks. In the Middle East, the existing Gulf Cooperation Council (GCC), comprising the United Arab Emirates, Bahrain, Saudi Arabia, Oman, Qatar, and Kuwait, is well-suited to coordinate and mediate regional discussions to directly address the concerns of Iran and its neighbours. In East Asia, a revival of the Six Party Talks can provide a similar platform for discussion. In all instances, regional coordination is essential for alleviating concerns which may plague relations between states and jeopardise support for non-proliferation agreements.

Non-proliferation agreements should strengthen and further integrate regional economic systems. Such agreements should ease the burden of trading between regional states by encouraging economic engagement, including by imposing systems to facilitate consistent and uninterrupted trade efforts. The JCPOA Procurement Channel and the Instrument in Support of Trade Exchanges (INSTEX) special purpose vehicle, created by the European members of the deal to trade with Iran without incurring penalty from U.S. secondary sanctions, provide a starting point upon which to model economic channels accompanying future non-proliferation agreements. By continuing to intertwine regional economic systems, agreements can strengthen ties between nations and create more incentives to negotiate. Rather than bypassing current systems, non-proliferation agreements must continue to utilize structures in place while strengthening them through norms. In instances where regional partners have the opportunity to play a direct role in a nuclear non-proliferation agreement, as Japan and South Korea did after the Korean Peninsula Energy Development Organisation (KEDO) delegated responsibility to them for financing and supplying two light-water reactors to North Korea under the Agreed Framework, emphasis should be placed on ensuring those states have the financial means and political will to do so.

B.2.a. SMART Goals

The Agreed Framework had broad objectives that laid out a general agreement to work towards non-proliferation, yet lacked specific, measurable, attainable, relevant, and time-based (SMART) goals. The agreed-upon objectives were interpreted differently by each nation due to their lack of specificity and were never realised. Gaps in verification due to non-specific timelines for IAEA inspectors undercut confidence and credibility for attaining these worthy goals. The Six Party Talks also failed to provide specific goals for non-proliferation efforts and ultimately were unsuccessful in preventing the development of North Korea's nuclear programme.

In contrast to the Agreed Framework, the JCPOA utilized SMART goals through specific timelines, enrichment limits, and mutually agreed language. It also called for time-based future negotiations and further diplomatic efforts to continue the pursuit of its objectives. This intricate agreement which focused on technical elements of non-proliferation and was thus verifiable by the IAEA is one example of how SMART goals can be applied in practice to greater success.

B.2.b. Policy Recommendations

Non-proliferation agreements should include SMART goals, which provide necessary timelines for implementation and verification, as well as future negotiations. By including specific and attainable goals, agreements are more sustainable and build confidence in their value to allies. Learnings from the JCPOA experience suggest that technical limits can provide a clear roadmap for verified non-proliferation and reduce opportunities for covert treaty abrogation. Rather than working towards full normalisation of relations, agreements should create a clear and structured pathway for all participants to realise key goals.

B.3.a. Consider the Role of Other Regional Agreements

There are five recognized nuclear weapon free-zones (NWFZ) worldwide, and efforts are underway to create a sixth, broader, weapons of mass destruction-free zone in the Middle East which would also ban chemical and biological weapons. Work to create this Middle East WMD-free zone has stalled in the face of intense disagreements, yet the initiative remains an important factor in future non-proliferation efforts. Such a zone would reaffirm the commitments of Iran under the JCPOA, for instance, and could support similar arrangements involving other countries in the region moving forward. A regional zone free of weapons of mass destruction under stringent safeguards will also create stronger reinforcement mechanisms by obligating an added level of commitment to staying nuclear-free, and build confidence in the region regarding the intentions of Iran and its neighbours. Current proposals for a Middle East WMD-free zone include calls for comprehensive peace negotiations on other contentious issues in the region, and remain an important bellwether for the viability of future non-proliferation efforts.

The 1992 Joint Declaration of South and North Korea on the Denuclearization of the Korean Peninsula has featured in nearly all negotiations aimed to curtail North Korea's nuclear weapons development. Under the Joint Declaration, both states on the Korean peninsula agree not to test, manufacture, produce, receive, possess, deploy, or use nuclear weapons. They further pledge to not pursue uranium enrichment or plutonium production programmes, and to use nuclear energy for exclusively peaceful purposes. The Agreed Framework agreement obliged Pyongyang to uphold the Joint Declaration, and, in 2002, the United States cited North Korea's uranium enrichment programme as a violation of that 1992 arrangement and thus a breach of the Agreed Framework itself, ultimately collapsing the Agreed Framework.

B.3.b. Policy Recommendations

Non-proliferation efforts should consider the role of regional agreements but must integrate them in a careful and coordinated manner. In the case of the Agreed Framework, blanket citation of the Joint Declaration meant that the treaty could be quite limited in its provisions, but the Framework failed in part because it rested on the contingency of compliance with a secondary agreement. Citation of a WMD-free zone treaty in a future agreement with Iran can serve as a mechanism to reinforce and uphold Iran's commitments under both accords, and can promote regional dialogue that supports nuclear non-proliferation efforts. However, all parameters of the resultant non-proliferation agreement should also be explicitly outlined in the text of the agreement itself. In the Middle East, despite the fact that not all local states support the modality of ongoing discussions toward a WMD-free zone, it is important that states pursue negotiations

toward its establishment. Regional partners should consider the entry into force of the prospective WMDFZ treaty, even if not all the parties accompany the process from the beginning. The 1967 Treaty of Tlatelolco, which established the NWFZ in Latin America and the Caribbean, took 35 years to achieve its full consolidation. Cuba ratified the Treaty in 2002, marking the last state in the region to join the Treaty. Negotiations toward a similar arrangement in the Middle East should commence in the near future, even without support by all regional partners.

C. Conclusion

Past nuclear non-proliferation efforts can provide important lessons for future policy, especially the fundamental importance of incorporating regional partners in both the negotiations toward and the resultant frameworks of any agreements.

The working group proposes that future nonproliferation efforts should engage regional allies, focus on achieving SMART goals, and consider the role of extant agreements and cooperative security structures.