

**The Good Faith
Assumption:
Different
Paradigmatic Approaches to
Nonproliferation Issues**

**Russell LESLIE
AUSTRALIAN NATIONAL
UNIVERSITY**

Introduction

There are a number of competing paradigms on nonproliferation issues, each with their own self-consistent set of axioms that have to be dealt with on their own terms.

If these different approaches are not appropriately acknowledged during discussions, they can serve as a permanent barrier to the resolution of underlying issues.

This article does not seek to define one approach as right and others wrong. It seeks to delineate the major nonproliferation paradigms and highlight the points of difference and friction.

Background on the author and the paper

My name is Russell Leslie, I am a physicist.

I am currently enrolled in the Masters of Nuclear Science program at the Australian National University and hope to be admitted to the PhD program shortly.

This paper was prepared for the Defence and Strategic Studies element of the Masters program.

I have been involved in nonproliferation issues (specifically nuclear safeguards) for twenty years.

The views expressed in the paper do not necessarily reflect the views of any employer.

Differing paradigms

It is natural to assume that in any situation, the set of facts exists as a platonic ideal that can simply be accepted by all parties.

The effect is to assume that the facts and the weight applied to them exist separately from any questions of history, experience, or self-interest. In many situations different set of axioms underlie the logic of discussion.

The assumption of facts as a platonic ideal can give rise to perception of bad faith – when the actual problems arise from differing paradigmatic approaches.

Very common problem in discussing non-proliferation

Non-Aligned Movement (NAM) - 1

NAM members frequently express various degrees of skepticism toward the need for any form of nonproliferation regime.

It is common for NAM states to see technology control regimes as “north-south” issues.

NAM members express skepticism toward the need for any form of nonproliferation regime (Applies not just to nuclear, but also chemical, biological, and missile-related proliferation.)

NAM states view nonproliferation commitments as being one element of a larger series of bargains.

Non-Aligned Movement (NAM) - 2

NAM tend to see the NPT as a bargain struck between the non-nuclear weapon states (NNWS) and the nuclear weapon states (NWS).

NAM to describe lack of progress on any one of the pillars of the NPT as calling into question the entire NPT grand bargain

In NAM view NNWS have voluntarily given up their right to nuclear arms, and they expect that they will receive just recompense for their sacrifice

NAM tend to see no direct benefit from safeguards system – tolerated only for rewards of 3 pillars

Western like-minded government groupings (WLGG)

I have adopted the informal acronym WLGG as a shorthand way of connecting a series of western government groups of varying levels of formality. This acronym is not in general usage.

WLGG can be considered as having broadly consistent positions on nuclear nonproliferation issues.

WLGG states place a high intrinsic value upon nonproliferation efforts and see them as being valuable in their own right, rather than seeing them as one element of a package or bargain.

WLGG

Among WLGG states it is seldom necessary to justify the value attached to safeguards—within the like-minded groups the value is simply accepted.

Significant differences exist within WLGG:

- ▶ **States with significant involvement in nuclear trade support safeguards to ensure that items supplied do not contribute to the spread of nuclear weapons;**
- ▶ **Nuclear sceptics (e.g. Austria, Ireland & New Zealand) accept that other nations have the sovereign right to have a nuclear industry, but their preference would be to have all other states join them in eschewing nuclear power.**

NAM vs WLGG

NAM tend to view the WLGG the emphasis on the safeguards system independent of NPT Article VI as an act of bad faith.

WLGG tend to view the NAM states as holding safeguards hostage to unrelated disarmament concerns.

The divergent views of the NPT bargain may be fundamentally irresolvable because the parties to the discussions want to achieve very different things.

It is rare for either side in these discussions to actually engage on substantive issues, in large part because they have no common perception as to which issues are substantive.

Governance of the IAEA

The IAEA has two major policy-making organs: the Board of Governors (BOG) and the annual General Conference (GC) of member states.

The BOG has four major meetings a year and is made up of thirty-five governors, some representing the advanced nuclear states and others from within regional groupings.

The IAEA GC runs each year for one week and is open to all members of the IAEA. It is also attended by a wide variety of recognized observers, such as major industrial firms, research institutes, and nongovernmental organizations.

BOG

The composition of the BOG is balanced between developed and developing states.

This balance is important because many of the board's major decisions are subject to the approval of the GC.

The NAM, and states sympathetic to NAM positions, constitutes a substantial majority in the GC.

The BOG members go to considerable effort to reach decisions by consensus wherever possible; this push to maintain consensus is often referred to as “the spirit of Vienna.”

NAM – Three pillars

The NAM approach to the IAEA is, in many ways, analogous to their approach to discussions of the NPT.

NAM refer to the three pillars of the IAEA statute:

- ▶ technical cooperation and assistance;**
- ▶ promotion of nuclear energy and nuclear applications; and**
- ▶ safeguards**

NAM places a high value upon IAEA technical cooperation and promotion activities but do not see that they receive any benefit from the safeguards system

WLGG – Enabling framework

To the WLGG states, the IAEA statute is an enabling framework for a working scientific, standard setting and regulatory organization rather than a bargain struck between the member states.

WLGG states value the standards-setting functions of the IAEA and the assurance derived from safeguards, but the WLGG have little attachment to the nuclear promotion or technical cooperation aspects of the IAEA mandate.

To the WLGG states, questions of “statutory balance” between the functions of the IAEA are simply irrelevant.

The IAEA budget

The IAEA budgeting process is complex (see paper).

NAM view is that the program and budget should reflect the IAEA statutory mandate—no one element emphasized at the expense of any of the others. NAM strongly oppose increases in the regular budget for the IAEA safeguards activities unmatched by increases in funding for the other elements of the statutory mandate.

WLGG view is that growth in funding for IAEA programs should be tightly constrained, but safeguards and verification are seen as special cases that should be evaluated in terms of effectiveness and efficiency rather than any irrelevant considerations of statutory balance

BOG Consideration of Iran Safeguards

IAEA DG, has reported on Iran safeguards issues to the BOG at most of its regular meetings since early 2003

NAM broadly supportive of Iran during the process and has treated the various issues raised in the DG's reports as procedural matters that can all be resolved.

The WLGG has viewed the same issues as violations of treaty obligations and has sought to report the noncompliance to the UN Security Council in accordance with the relevant provisions of the statute and Iran's comprehensive safeguards agreement with the IAEA

NAM on Iran in detail

NAM delegations consistently raised the following points in their BOG interventions during discussions of Iran:

- ▶ that errors in declarations by member states to the IAEA are common and such issues are usually resolved by submitting corrected paperwork;**
- ▶ that Iran had been denied access to nuclear technology;**
- ▶ the nuclear weapon states had made little progress on fulfilling their NPT Article VI disarmament obligations; and**
- ▶ that Israel had never accepted any requirement to disarm.**

WLGG on Iran in detail

WLGG delegations raised the following points during BOG discussions of Iran :

- ▶ **Iran's failures to report to the IAEA represented noncompliance under the statute and Iran's CSA;**
- ▶ **Iran's declarations had been both incomplete and inaccurate and many of its explanations had been found to be incorrect;**
- ▶ **Article XII.C of the IAEA statute and Article 19 of Iran's CSA require that non-compliance be reported to the Security Council; and**
- ▶ **Evasion of export controls provided evidence that Iran knew activities were contrary to international obligations.**

IAEA General Conference

The GC provides an opportunity for the member states of the IAEA to give the IAEA Secretariat policy direction on a wide range of issues.

This direction is provided in the form of a series of resolutions that are sponsored by various subgroups of member states.

The resolutions cover the full range of statutory responsibility of the IAEA. The sponsors of these resolutions seek the widest possible list of cosponsors and to have their resolutions accepted by consensus during the plenary sessions of the GC.

Resolutions

Some resolutions are negotiated to a consensus text before they are tabled in the Committee of the Whole (COW).

Some resolutions require a straightforward process of continuing negotiation that can be conducted in the COW.

A few resolutions (such as technical cooperation and safeguards) are considered so contentious that they are always referred immediately to working groups in an effort to seek consensus.

Spirit of Vienna

The “spirit of Vienna” gives minority positions a great deal of weight in negotiation of resolutions; if the minority feels that the majority has ignored its views, it can simply withhold consensus.

The push for consensus gives every delegation a veto.

If the majority delegations know that a resolution is to be voted on in any event, then they may see no reason to take minority views into account – there is no consensus to preserve.

Loss of consensus disadvantages the minority positions.

Conclusions

In order to establish meaningful communication on issues relating to nuclear nonproliferation and the safeguards system between the two key groups identified in this paper, it is necessary for the parties to the discussion to have a common basis of understanding, a foundation upon which to build.

NAM and WLGG have approaches to proliferation issues that are so profoundly different that they make substantive discussion nearly impossible.

Recognition of the underlying cause of the problem makes a search for a solution possible.