



Contribution ID: 206

Type: Poster

The 'Landscape' of Nuclear Safeguards: A Comparative Analysis of the International and Regional Systems

Thursday, 27 August 2015 14:00 (1h 30m)

The notion of 'nuclear non-proliferation' is twofold. It refers to: (a) reduction of the number of existing arsenals (vertical non-proliferation), and (b) containment of the number of States that possess nuclear weapons, or control of non-state actors (horizontal non-proliferation).

At the international law level, as vertical non-proliferation, there are bilateral or multilateral agreements that ban weapons of mass destruction in certain areas (e.g.: Nuclear-Weapon-Free Zones treaties).

With respect to horizontal non-proliferation, beyond the Nuclear-Weapon-Free Zones approach, the main legal text for addressing the issue is the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). For the implementation of the principles contained in the NPT, a 'nuclear safeguards' system has been created, and the International Atomic Energy Agency (IAEA) has been assigned the role of the nuclear 'watchdog' for the NPT.

However, along with this international system of safeguards, there are regional safeguards bodies: (a) the European Atomic Energy Community (EURATOM) model is the cornerstone of non-proliferation in the EU, while (b) the Brazilian-Argentine Agency for Accounting for and Control of Nuclear Materials (ABACC) controls nuclear activities in Brazil and Argentina.

Moreover, the existing nuclear weapons free-zone treaties contain safeguards provisions that are additional or complementary to IAEA safeguards. For instance, (a) the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) works for the implementation of Tlatelolco Treaty, (b) the African Commission on Nuclear Energy relates to Pelindaba Treaty, and (c) a Consultative Committee of the Parties is appointed in the context of Raratonga Treaty.

The paper aims at critically analysing the different safeguards systems adopted at the international and regional level, through the adoption of a comparative approach.

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Session Classification: Session 11D: Posters: Safeguards

Track Classification: Safeguards and non-proliferation