

THE ROLE OF THE UN IN PREVENTING THE PROLIFERATION OF NUCLEAR WEAPONS

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Annotation. According to the UN Charter (Article 26), the UN Security Council is the primary organ responsible for the maintenance of international peace and security. Nuclear states agreed to the adoption of a UN Security Council Resolution that provided positive security assurances. The adoption of UN Security Council Resolution №255 on June 19, 1968, was of particular significance. This resolution stipulated that instances of aggression involving the use of nuclear weapons or the threat of such aggression against a non-nuclear-weapon state would require immediate action by the UN Security Council and its permanent members, who are nuclear-armed states.

The aim of the work is to determine the role of the UN Security Council in the system of preventing the proliferation of nuclear weapons. The methodological basis of the study will focus on the analysis and understanding of the impact of the UN Security Council on strategies and measures aimed at preventing the spread of nuclear weapons in the international context.

The results of our research have shown that the role of the UN Security Council in the disarmament of Iraq's nuclear program, which could have led to the development of nuclear weapons, proved to be significant. To achieve this, in accordance with UN Security Council Resolution №687 adopted on April 3, 1991, the Special Commission (UNSCOM) was established.

During an extraordinary meeting of the UN Security Council at the highest level on September 24, 2009, Resolution UN Security Council Resolution № 1887 was adopted, aimed at supporting nuclear non-proliferation, criticizing Iran and North Korea. Resolution №1887 outlines measures to strengthen control and the rights of nuclear-weapon states to demand the return of nuclear materials and equipment in case of violations of the Non-Proliferation Treaty or withdrawal from it. It also involves enhancing security measures for the storage of nuclear materials and strict export controls.

Conclusions. In our opinion, the powers of the UN Security Council in the field of non-proliferation of weapons of mass destruction should be utilized more promptly and effectively. The insufficient effectiveness of this international mechanism in preventing proliferation remains a cause for serious concern among UN members worldwide. To enhance the effectiveness of the UN Security Council, we propose the adoption of a comprehensive resolution that includes provisions on the procedure for a state's withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and its violation of commitments to refrain from acquiring nuclear weapons. This resolution should stipulate the imposition of sanctions against such a state based on a special report from the International Atomic Energy Agency (IAEA). Such a mechanism can ensure an effective impact of the international community on states that withdraw from the NPT.

Key words: UN Security Council, Nuclear Non-Proliferation Treaty, Iraq, Iran, DPRK, IAEA, UN Charter.

1. Introduction.

The central role in preventing the proliferation of materials and technologies for weapons of mass destruction and the associated threat to international peace belongs to the United Nations Security Council (UNSC) [1]. The UNSC is endowed with the necessary authority to address such threats, including preventive and enforcement measures. According to Article 25 of the UN Charter [2], other

member states of the UN are obligated to comply with the decisions of the UNSC. It is important to note that only the UNSC has the authority to ensure compliance with non-proliferation rules, including the use of force.

2. Analysis of scientific publications.

Among contemporary Ukrainian researchers addressing the issue of nuclear disarmament, it is worth mentioning Sofia Fedina, who explores the disarmament issues in contemporary international politics through the concept of peace resulting from disarmament [3]. Professor Sergiy Halaka has produced valuable works within the framework of research on nuclear disarmament and the role of the United Nations in this process [4]. This thematic area is widely discussed in journalistic articles [5] and reports from the International Atomic Energy Agency (IAEA) [6].

3. The aim of the work.

The aim of the work is to determine the role of the United Nations Security Council (UNSC) in the system of preventing the proliferation of nuclear weapons.

4. Review and discussion.

The United Nations Security Council (UNSC), empowered to maintain international peace and security, is authorized to make decisions that are binding on UN members regarding new norms of international law. However, it does not have the authority to modify or create entirely new norms. For example, it cannot prohibit a non-nuclear member state of the Treaty on the Non-Proliferation of Nuclear Weapons [7] from engaging in uranium enrichment and processing. Nevertheless, these unique powers have been infrequently utilized to strengthen the non-proliferation regime, not only due to challenges in reaching consensus among permanent members but also due to limited resources provided to the UNSC, the absence of appropriate procedures and support mechanisms, and other factors.

In 1992, during a meeting of the United Nations Security Council (UNSC) at the head of state and government level, a statement was presented on behalf of all 15 members, categorizing the proliferation of all types of weapons of mass destruction as a "threat to international peace and security" [8]. Setting guidelines to counter further proliferation of weapons of mass destruction, the document established the basis for the UNSC's work in this direction. However, for several years, its leadership in non-proliferation efforts was predominantly formal and episodic.

Deep divergences among the permanent members prevented the fulfillment of set tasks and the realization of the potential for counter-proliferation. Even when the UNSC managed to agree on preventive measures, states did not demonstrate sufficient political will, consistency, and energy for the collective implementation of the decisions made [9].

In 1998, the United Nations Security Council (UNSC) unanimously condemned the nuclear tests conducted by India and Pakistan [10]. Through measures taken within the framework of the UNSC and commissions established under its auspices, along with the support of the International Atomic Energy Agency (IAEA), the elimination of the clandestine nuclear capability created by Iraq in the 1980s in violation of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons was ensured.

Inspections of nuclear facilities in Iraq were conducted under the mandate of the UNSC in accordance with Resolution №687 from 1991 [11]. This guaranteed the reliable elimination of Iraq's potential in the field of weapons of mass destruction (WMD). According to Resolution №1441 dated November 8, 2002 [12], international inspection teams with expanded powers and a rigorous schedule were sent to Iraq. The work of inspectors under this resolution became an interesting experience in developing

a set of measures carried out under the auspices of the UN to ensure the implementation of Security Council decisions without resorting to sanctions involving armed intervention.

Cooperation among members of the United Nations Security Council (UNSC) in the field of nuclear non-proliferation suffered a significant blow when, in March 2003, the U.S. and its allies invaded Iraq without UN authorization [13]. The operation lacked support from the global community or the majority of American society. The invasion and overthrow of the ruling regime were carried out under the pretext of combating the spread of nuclear weapons and terrorism. However, no evidence of a nuclear military program or support for terrorists in Iraq was found [14]. Later, it was acknowledged that the U.S. Congress had been presented with erroneous intelligence.

The counterterrorism coalition formed after September 11, 2001, was significantly weakened, the authority of the UNSC was undermined, and the concept of counter-proliferation through force became significantly complicated [15]. The events in Iraq after 2003 demonstrated that unilateral military actions taken outside the UN Charter under the pretext of combating the proliferation of nuclear weapons do not strengthen the global regime of non-proliferation of weapons of mass destruction (WMD) but rather significantly weaken it.

Subsequently, the UN Security Council (UNSC) responded negatively to experimental ballistic missile launches by Pyongyang, adopting Resolution No. 1693 on July 25, 2006 [16]. The resolution demanded that North Korea cease all activities related to its ballistic missile program, urging the state to immediately and without any preconditions return to the Six-Party Talks and halt all programs related to the development of nuclear weapons. The resolution imposed an obligation on all UN members to refrain from trading with North Korea in the field of missile technology.

In February 2006, at an extraordinary meeting of the UN Security Council with the participation of the International Atomic Energy Agency (IAEA), Resolution No. 1696 was adopted, demanding that Iran take a series of specific measures to build confidence [17].

In the mentioned Resolution, firstly, citing Article 40 of Chapter VII of the UN Charter, the UN Security Council (UNSC) demanded the temporary suspension of Iran's uranium enrichment and processing activities. Compliance with these temporary measures outlined in this article was mandatory. In Resolution No. 1718 [18], unanimously adopted in October 2006, it was stated that conducting tests posed an "overt threat to international peace and security." References to Chapter VII of the UN Charter were limited to Article 41, which provides for non-military measures of influence, such as economic, financial, diplomatic, and political.

Additionally, the UNSC demanded that the authorities of North Korea refrain from conducting new nuclear tests and ballistic missile launches, completely abandon nuclear weapons and existing programs for the development of weapons of mass destruction and ballistic missiles. It was also required to cease the export of all goods related to nuclear weapons, ballistic missiles, and other means of mass destruction. The resolution called on UN members to take measures to prevent the supply, sale, and transfer of materials, equipment, and technologies to North Korea that could be used in its weapons of mass destruction program. The document also called for the freezing of financial assets and resources associated with North Korea's nuclear programs, and restrictions on the movement of individuals associated with these programs and ballistic missile programs [19].

The UN Security Council also called on all UN members to adhere to international law and take collective actions, including inspecting cargoes bound to or from North Korea, to prevent the illegal trafficking of nuclear, chemical, and biological weapons, as well as related materials.

Additionally, a Sanctions Committee was established, comprising all members of the UN Security Council, to monitor compliance with Resolution No. 16953 and identify additional lists of goods, materials, and technologies that could be subject to restrictions on supply to North Korea. The Security Council decided to actively continue reviewing North Korea's compliance with the provisions of the resolution, including the agreement on the procedures for implementing sanctions designed to counter potential nuclear smuggling by North Korea [20].



On December 23, 2006, the Security Council unanimously adopted Resolution №1737 imposing sanctions on Iran [21]. This resolution imposed a ban on the import and export of any goods, materials, equipment, and technologies that could contribute to the development of Iran's military nuclear and missile programs. It also covered activities related to uranium enrichment and the production of nuclear weapons delivery systems. Resolution №1737 provided for the freezing of the foreign assets of several Iranian organizations and individuals associated with programs in the field of nuclear weapons and missile systems. However, it did not impede Iran's cooperation with other countries in areas unrelated to the concerns of the International Atomic Energy Agency (IAEA).

5. Conclusions.

To strengthen the ability of the global community to enforce non-proliferation norms, it makes sense to further develop the provisions of Resolution №1540[22], which obliges states to provide information on the implementation of commitments they have undertaken. In this context, the proposal to establish a management reporting mechanism on nuclear non-proliferation at the United Nations Security Council deserves attention. The tasks of such a management would include collecting, analyzing, and assessing the reports submitted by states on the implementation of Resolution №1540, as well as preparing relevant communications to the UN Security Council.

Furthermore, there is a need to develop a broader consensus on a strategy of compellence regarding compliance with nuclear material non-proliferation rules. Forming such a consensus can help overcome a serious impasse in global initiatives for disarmament and arms control, contributing to the prevention of weapon proliferation. It is crucial to reduce mutual suspicions and uncertainties among major powers, influencing mutual nuclear deterrence, geopolitical competition, and economic rivalry. This will also enhance cooperation in all aspects of disarmament and non-proliferation of weapons of mass destruction. Achieving this goal will make the partnership within the United Nations Security Council an effective instrument of control in international relations in the field of non-proliferation of weapons of mass destruction, becoming a key component of the strategy to strengthen the regimes of nuclear non-proliferation with the central role of the UN Security Council.

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