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International Atomic Energy Agency (IAEA) and Nuclear Non-Proliferation: An Assessment

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Abstract

Nuclear Weapons brought the two superpowers into the limelight – the United States of America and the then Soviet Union. This later heralded the Cold War era, which caused instability in the international terrain, with its security hazards. It was on this note that the International Atomic Energy Agency (IAEA), was formed to salvage the situation. The International Atomic Energy Agency (IAEA), an International Organization assumed the role of curtailing nuclear weapons proliferation. To an extent, it has succeeded in preventing other countries except for those that have already tested and acquired nuclear weapons and the technology to assemble one. However, it has been confronted yearly with various challenges, some of which had been a threat to the security and stability in the international community. The International Atomic Energy Agency therefore plays a crucial role in preventing nuclear proliferation and it would continue to play such role in the future. It is on this background that this work examines the advent of International Atomic Energy (IAEA). The paper also highlights the role of IAEA towards Nuclear Non Proliferation. The study, in addition, examines the problems encounter by IAEA in its efforts towards Nuclear Non Proliferation. Finally, the paper gives recommendations and conclusion. The work adopts thematic approach in its analysis and diverse secondary sources such as, books, journal articles, newspapers, magazines, internet sources, and unpublished works. Reports obtained from these sources form the bulk of this key research tools assessment.

Key Words: *International, Atomic, Energy, Agency, Nuclear, Non-Proliferation.*

Introduction

Nuclear weapon proliferation is of major concern to the international community. Thus observers are of the opinion that nuclear proliferation is likely to be one of the most important issues facing the world today and it is also likely going to be one issue to face the world for many years to come. Besides, terrorism, nuclear proliferation is probably the single biggest political issue in the world today.

This is so because of scientists and physicists' discoveries on this ugly phenomenon. First among them was a French physicist called Henri Becquerel who discovered radioactivity in 1896. Therefore, scientists like Wilhelm Roentgen, Enrico Fermi, Pierre and Marre Curie as well as Albert Einstein made important contributions to study of radioactive power of nuclear energy that was discovered and unleashed in the world. Henceforth, the world began to face the realities of nuclear energy and nuclear weapons. United States of America was the first to discover and make nuclear weapons. This she tested in August 1945 when she dropped two atomic bombs on the two Japanese cities of Hiroshima and Nagasaki respectively. Its horrible and devastating effects shocked the world and as well horrified people and governments.

In the years immediately after 1945, the United States and two of her wartime allies, the United Kingdom and Canada, began efforts at banning the use of nuclear bombs. They also had early ideas about curtailing the spread of such weapons. As such they tried to limit the use and spread of the technology used in making nuclear bombs by keeping it as a secret to themselves. Also the growing hostilities and tensions between the United States and Union of Soviet Socialist Republics (USSR) over territorial ambitions in Europe as well as "sphere of influence" sort of convinced the U.S. government to keep such bombs in case if the USSR tries to push their luck too far.

In 1949, Russia (the USSR) developed and tested its own nuclear bomb, thus bringing them at par with the U.S. This development came as a rude shock not just to the U.S but to the world at large. The period was bedeviled with so much hostilities and tensions between the eastern bloc (Russia) and the western bloc (US) which was termed the "Cold War". With Russia having successfully tested her own nuclear bomb, the era of nuclear proliferation was born. Other countries acquired and tested their own weapons either independently or with foreign assistance. Today, 9 countries are known to have publicly tested and admitted to having nuclear weapons. 5 countries out of the 9 are legally recognized as nuclear weapon states. A further 40 countries possess not only the technology to make a bomb but possess the capability to quickly assemble one. This is the scenario the world is facing – that of nuclear weapons proliferation.

Early efforts at a worldwide non – proliferation drive started in 1953 with the atoms for peace programme. But it was not until 1957, when, in order to forestall the proliferation of nuclear weapons technology by too many states, the United States, Russia (theUSSR) and 22

other countries which possessed nuclear energy as well as the technology, signed and ratified the statute which created the International Atomic Energy Agency (IAEA) on July 27th that year. The Agency was the direct result of U.S. president Dwight Eisenhower's dramatic proposals of December 8, 1953 when he made his famous "Atoms for Peace" speech that year. But its objectives, after 3 years of negotiation were somewhat more modestly phrased than the president's original objective[1]. With this Agency created, it had as its primary objective, the prevention of nuclear weapons proliferation by safeguarding fissile radioactive material as well as inspecting nuclear installations. This it did in a bid to forestall proliferation by seeing to it that fissile materials and isotopes were not diverted for weapons making. In order to do this effectively, it had to be backed legally, not just with the consent of member countries for the IAEA to the Nuclear Non –Proliferation Treaty (NPT) which provided legal backing for the IAEA to carry out its activities.

Both the IAEA and NPT treaty were meant to start and carry out a regime of non- − proliferation and both were primarily the idea of the U.S. which was seriously seeking a way to prevent other countries, especially third world developing countries from either acquiring the bomb or the technology to make one. It is difficult and debatable also to understand precisely why the Soviet Union, after subsequent bilateral exchange of notes, the UN General Assembly discussion and the multi – state meetings and conferences, eventually decided to participate in the creation of the Agency[2]. The determination of the U.S. to create the IAEA with or without the Soviet Union and to proceed on a parallel front with bilateral agreements, almost surely persuaded the Soviet Union that she could further her interest more effectively inside the organization than outside[3].

With the creation of IAEA, the first step at curtailing nuclear proliferation was taken. With the signing and ratification of the NPT treaty, began the non–proliferation regime as seen in the world today.

Theoretical Framework

The theoretical conception of this work is based on the system theory. System theory basically is a theory in which the world or international community is seen as a system. According to Joshua Goldstein, one of the proponents of this theory views the world as an international system based on a set of relationships among the world's states, structured according to certain rules and patterns of interactions. Some of such rules are explicit, some implicit. They include who is a member of the system, what rights and responsibilities the members have and what kind of actions and responses normally occur between states[4]. Going by this view of the world as an international system, then theoretically, this system is divided into sub-system. Each sub-system makes up the complete international system. These sub-systems are represented by actors, in this case nation state actors while an international organization, in this case International Atomic Energy Agency (IAEA) represents the main system.

In system theory, any problem or defect in the sub-system affects the rest of the system as a whole. The nation state actors are members of the IAEA and have decided collectively to abide by its statute in order to protect global security. Going by this analogy of the IAEA being the system or the representatives of their own individual or regional systems, therefore, any problem or potential problem within the various sub-systems would inadvertently affect the general system. The IAEA is an international organization made of states that are member of it. The IAEA of the representative of the international system tries to forestall any problem or breakdown of global security by preventing states, both members and non-members states of the IAEA from proliferating nuclear weapon, then it becomes a problem which will affect the international security (in this case the IAEA) as it would lead to political and military tensions which ultimately, would lead to a breakdown of global peace and security. The IAEA thus tries to uphold the values of the international system through its functions. It also tries to uphold peace and security in the international system.

The Advent of International Atomic Energy Agency (IAEA)

The proliferation of nuclear weapons after the Second World War in 1945 gave birth to International Atomic Energy Agency to curtail the phenomenon. On December 8, 1953, U.S. president Dwight D. Eisenhower, in his first year as president, made an inspiring appeal before the UN General Assembly. He presented his famous "Atom for Peace" proposal which called for the creation of an international atomic energy agency "to devise methods whereby fissionable materials would be allocated to serve the peaceful pursuits of mankind."[5]

Eisenhower's atom for peace proposal bore fruit four years later in July 1957, when the International Atomic Energy Agency (IAEA) was established as an independent UN body charged with promoting the peaceful use of nuclear energy. The Agency is responsible for inspecting nuclear research facilities and nuclear power plants in order to ensure that they are not being diverted for military purposes[6]. The IAEA serves as intergovernmental forum for scientific and technical cooperation in the peaceful use of nuclear technology worldwide. The IAEA programmes encourage the development of the peaceful applications of nuclear technology, provide international safeguards against misuse as well as facilitate the application of the safety measures in its use.

The IAEA has its headquarters in Vienna, Austria. It also has two regional safeguards offices located in Toronto, Canada and Tokyo, Japan. It has two liaison offices located in New York, USA and Geneva, Switzerland. In addition, it has laboratories in Seibersdorf and Vienna, both in Austria, Monaco and in Trieste, Italy.

The IAEA is a specialised Agency of the United Nations. The IAEAis not under the direct control of UN body, but it reports to both the UN General Assembly and the Security Council. The IAEAS Structure and function is defined by its founding document-the IAEA

Statute. The IAEA has 3 main organs or bodies. These are namely: The board of Governors, the General Conference and the Secretariat.

The Board of Governors is one of two policy making organs of the IAEA. The board consists of 13 members designated by the previous outgoing Board and 22 members elected by the General Conference. The outgoing Board designated the ten members who are the most advanced members from any of the following areas that are not represented by the first ten from North America, Latin America, Western Europe, Eastern Europe, Africa, The Middle East and South Asia, South East Asia, The Pacific and the far East. These members are designated for one year terms. The current board members are as follows: Argentina, Australia, Austria, Belarus, Bolivia, Brazil, Canada, Chile, The People's Republic of China, Colombia, Croatia, Cuba, Egypt, Ethiopia, Finland, France, Germany, Greece, India, Indonesia, Japan, Libya, Morocco, Nigeria, Norway, Pakistan, Republic of Korea, Russia, Slovenia, South Africa, Sweden, Syria, Thailand, The United Kingdom and The United States of America.

The Board of Governors meets every five years. The Board is responsible for making most of the policies of the IAEA. The Board makes recommendations to the General Conference on IAEA activities and budgets. It is also responsible for publishing IAEA standards and it appoints the Director−General, which is subject to the approval of the General Conference. Board members each receives one vote but budgetary matters require a two−third majority . All other matters require a simple majority[7]. The simple majority also has the power to stipulate issues that will thereafter require a two -third majority. Two−third majorities of all Board members must be present to call a vote.

The General Conference is the IAEA's lesser policy making body. The General is made up of all 144 member states. It meets once a year, mainly in September, to approve actions and budget passed on from the Board of Governors. According to its statute the General Conference approves the nominee for the post of Director General and requests report from the Board on issues in question . Each member receives one vote . Issues of budget , statute amendments and suspension of a member privilegerequire a two−thirdmajority . All other issues require a simple majority[8].

The main function of the General Conference is to serve as a forum for debate on current issues and policies. Any other IAEA organs, the Director General, the Board of Governors and member state can table issues to be discussed by the General Conference.

The secretariat is headed by a Director General . The Director -General is responsible for enforcing the action passed by the Board of Governors and the General Conference . The Directors−General is selected by the Board and approved by the General Conference for renewable four years terms. The Director−General oversees six departments that do the actual work of carrying out policies of the IAEA: Nuclear Energy, Nuclear Sciences and

Applications, Safeguards, Technical Cooperation and Management. The staff of the IAEA secretariat come from all 144 member states.

The founding document of the IAEA is the statute of the International Atomic Energy. In it, its aims and objectives and mission statements are clearly spelt out. Also the duties of the three organs are also clearly mentioned.

The main objective or mission of the IAEA is to prevent the spread of nuclear weapons. Another of its objectives is to develop and facilitate the application of beneficial application of nuclear technology.

According to Article 11 of the IAEA's statute, "The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose"[9]. Since military purpose is nowhere defined in the statute, the mission objective of the IAEA is not enough to accomplish its objective, if the signatory countries are willing to allow it to accomplish its goals.

The objective of the IAEA is in the main, to pursue safe, secure and peaceful uses of nuclear sciences and technology. The IAEA pursue this mission and objective with three main functions: inspection of existing nuclear facilities to ensure peaceful use gives information and sets standards to ensure the stability of nuclear facilities and act as a hub for the advancement of nuclear science in order to promote the peaceful application of nuclear technology[10].

The Agency seeks to prevent or forestall the occurrence of accidents on nuclear facilities worldwide. In 1986, the world was hit with the shock wave news of the accident at the Chernobyl nuclear power plant in the then Soviet Union. In the aftermath of that accident, the Agency compiled comprehensive reports about the accident and the need for a global approach to nuclear security. Thus the IAEA encourages countries to harmonise their nuclear security apparatus to forestall accidents. The IAEA also encourages countries to enforce strict security guidelines on nuclear facilities as well as nuclear waste facilities in order to prevent unauthorized person and terrorists from stealing radioactive materials.

In addition, another of its objective is to promote the use of beneficial nuclear applications, especially in developing countries for humanitarian problems are effectively dealt with. It tries also to promote knowledge about the nuclear sciences and application in everyday use.

IAEA Role Towards Nuclear Non− Proliferation

The IAEA carries out its main functions of preventing nuclear proliferation by inspecting nuclear facilities and verifying that what goes on in such facilities are solely for peaceful purpose and is not diverted to the military for military purposes. This is called the safeguards system. Thus IAEA administers its safeguards arrangements to provide assurance to the

international community that individual countries are honouring their commitments not to develop or proliferate nuclear weapons.

The IAEA regularly inspects civil nuclear facilities to verify the accuracy of documentation supplied to it. The agency checks for inventories and samples, analyses materials. Safeguards are designed to deter diversion of nuclear materials by increasing the risk of early detection[11]. The safeguard system of the IAEA is also complemented by controls on the export of early sensitive technology from countries such as the United Kingdom (the UK) and the United States of America (the USA) through voluntary bodies such as the Nuclear Suppliers Group (NSG). The main concern of the IAEA is that Uranium should not be enriched beyond what is necessary for commercial civil nuclear plants and that Plutonium, which is produced by nuclear reactors as a by-product, not berefined into a form that would be suitable for bomb production[12].

Traditional safeguards are arrangements to account for and control the use of nuclear materials. This verification is a key element in the international system which ensures that Uranium is particular used only for peaceful purposes.

Countries that are parties to the Nuclear non − - Proliferation Treaty (NPT) agree to accept technical safeguards measures applied by the IAEA. These require that operators of nuclear facilities maintain and declare detailed accounting records of all movement and transaction involving nuclear material. Over 550 facilities and several hundreds other locations are subjects to regular inspections and the nuclear material being audited. Inspections by the IAEA are being complemented by other measures such as the use of surveillance cameras and instrumentation[13].

The safeguards system is based on the assessment of the correctness and completeness of a state's declaration to the IAEA concerning nuclear material and nuclear related activities. To date, 145 states have entered into such agreements with the IAEA, submitting nuclear materials, facilities and activities to the scrutiny of IAEA's safeguards inspectors[14]. IAEA verification helps provide assurance that such items are not diverted or misused in order to assemble nuclear weapons and that no items required to be declared under safeguards are undeclared. This, in turn, helps to allay security concerns among states with respect to the development of nuclear weapons.

The inspections which the IAEA carries out, acts as an alert system providing a warning of the possible diversion of nuclear material; from peaceful activities. Basically, the system relies on:

- Material Accountancy − tracking all inward and outward transfers and the flow of material in any nuclear facility. This includes sampling and analysis of nuclear material, on-site inspections and review and verification of operation records.
- Physical Security − restricting access to nuclear materials on sites.

- Containment and Surveillance − use of seals, automated camera and other instruments to detect unreported movement or tampering with nuclear materials, as well as on the spot checks on site.

All NPT non − weapons states must accept these full scope safeguards . In the five weapons states plus the non NPT states (India, Pakistan and Israel), facility specific safeguards apply. IAEA inspectors regularly visit these facilities to verify completeness and accuracy of records.

In 1993, a programme was initiated to strengthen and extend the classical safeguards system, and a model protocol called the Additional Protocol was agreed by the IAEA Board of Governors in 1997[15]. The measure boosted the IAEA's ability to detect undeclared nuclear activities including those with no connection to the civil fuel cycle. The innovations were of two kinds. Some could be implemented on the basis of the IAEA's existing legal authority through safeguards agreements and inspections. Others required further legal authority to be conferred through the additional protocol. This must be agreed by each non-weapons state with the IAEA, as a supplement to any existing comprehensive safeguards agreement.

Under an additional protocol which is the key to the safeguards system, a state is required to provide the IAEA with broader information covering all aspects of its nuclear fuel cycle − related activities, including research and development and Uranium mining. States must also grant the agency broader access rights and enable it to use the most advanced verification technologies specific measures provided for in the additional protocol include:

1. Information about and access to all aspects of a state's nuclear fuel cycle, from uranium mines to nuclear waste and any other locations where nuclear material intended for a non − nuclear uses is present.
2. Short notice inspector access to all buildings on a nuclear site.
3. Information on the manufacture and export of sensitive nuclear related technologies and inspections mechanism for manufacturing and import locations.
4. Access to other nuclear − related locations.
5. Collection of environmental samples beyond declared locations when deemed necessary by the IAEA.
6. States must streamline visa renewals and can communicate more rapidly with IAEA headquarters[16].

As at January 2007, a total of 112 countries had ratified the additional protocol. Of these, 78 brought it into force.

Other measures aimed at ensuring nuclear non − proliferation include the Zanger Committee which was set up in 1979. It communicated its guidelines, essentially a set of export rules, to the IAEA in that year. These were to ensure that transfer of nuclear material or equipment would not be diverted to unsafeguard nuclear fuel cycle or nuclear explosive activities and formal government assurance to this effect were required from recipients[17]. The guidelines

also recognized the need for physical protection measures in the transfer of sensitive facilities technology and weapons − usable materials, and straightened transfer provisions.

For several years now, the IAEA has been promoting the use of nuclear techniques to combat hunger and malnutrition. As part of this initiative, the IAEA, through the IAEA Noble Cancer and Nutrition fund has been particularly dedicated to building capacity in the use of nuclear techniques to develop and evaluate interventions that can contribute to improve nutrition and health for children[18].

The Proliferation of IAEA towards Nuclear non-proliferation

The IAEA and the nuclear non − proliferation treaty have no doubt , over the past years achieved success in dealing with and the prevention of nuclear proliferation. However, both the IAEA and the NPT have faced and continue to face several problems and challenges in the course of trying to safeguard world peace and security. These problems and challenges have constituted a clog on the wheel of progress for both the IAEA and the NPT . These challenges have also limited the abilities of both institutions to work effectively and have caused setbacks in the fight against nuclear non − proliferation.

For all the NPT's success in curtailing nuclear weapons, one of its biggest challenges is that it has failed to keep non − signatories and even some " renegades states that signed the treaty, from pursuing nuclear capacities. The NPT treaty is the most adhered to treaty in the world with the highest number of signatory states. But only 3 countries in the world namely India, Israel and

Pakistan have not signed it[19]. These three countries possess the capabilities to manufacture nuclear weapons and they also possess stockpiles of nuclear weapons. Some of the states that have signed the treaty have pursued a clandestine nuclear weapons programme without the knowledge of the IAEA and the International Community as a whole. A good example is Iraq. Almost as soon as it signed the NPT in 1986, Iraq began developing nuclear weapons with help from France and Italy, presumably to counter others. Israel destroyedan Iraqi reactor in 1981, claiming it was being used to produce fuel for nuclear weapons. Nevertheless, Iraq continued her clandestine programme, without the knowledge of the IAEA. Her nuclear programme was eventually discovered by IAEA weapons inspectors upon entering Iraq after its defect in the 1991 Gulf War[20].

Another NPT signatory, North Korea considered a "renegade" state by most countries especially western countries, is considered to pose a far greater risk. It signed the NPT in 1985 but launched a clandestine nuclear programme centered on production of plutonium. Although North Korea insisted that its programme was intended to generate electricity, in 1993 it barred IAEA inspectors from inspecting its facilities precipitating cries in the non-proliferation regime[21].

Another challenge to the IAEA and NPT in carrying out non− proliferation reg imeis the smuggling of nuclear materials to individuals or countries. In 2003, it was discovered that a Pakistani scientist called Abdul Qedeer Khan secretly sold and smuggled materials capable of being used in making nuclear weapons to countries like Libya and Iran. The nuclear smuggling network establish by Khan demonstrated that proliferation can be actively assisted not only by national governments but also by private, non-state actors and organizations that have access to key knowledge and equipment. It was also discovered that Khan's network established machine shops in Malaysia and perhaps in other locations to manufacture key centrifuge components, making these activities extremely difficult to detect by the IAEA and foreign intelligence services seeking to show proliferation. It is not known whether elements of Khan's network still survives and how many customers may have received copies of highly sensitive documents. These non state actors are far less visible and can be far more difficult to influence than countries, which can be pressurized diplomatically or threatened military, to change their behaviour.

The NPT treaty is further limited by its provisions especially Article X which allows a country to voluntarily leave the treaty if its "supreme interests" are endangered. This article is a major loophole as it allows countries especially countries which may have developed various sensitive nuclear fuel cycle facilities and research, reactors under full safeguards. Such countries could utilize and have utilized the provision of Article X. An example of a country that has utilized the provision of Article X is North Korea, which withdraws from NPT in 2003, thus becoming the first country to ever withdraw from the treaty under the provision of Article X.

The safeguards applied by the IAEA is also inadequate as it does not cover or affect nuclear facilities of states that are not signatory to the NPT and thus pose proliferation risks; the IAEA has also not been able to persuade the major powers of the world that possess nuclear weapons stock piles to dismantle their existing nuclear stockpiles. This has led some other countries to aspire to develop their own nuclear weapons capabilities for their own self defence against perceived aggressive states and their aggressive policies.

Finally, funding the IAEA has been problematic as it has not been able to operate as effectively as it should because it is inadequately funded and thus limiting its effectiveness.

Conclusion

The IAEA has achieved a lot in its over 50 years of its existence notwithstanding the numerous challenges facing it with new and even more daunting challenges facing it currently. Still the IAEA could do better and achieve better results, if it is given the right kind of support and cooperation. Countries on their own or collectively with other countries can fight nuclear weapons proliferation outside of the IAEA. It is recommended that countries too can prevent nuclear weapons proliferation if they work collectively on their own and not necessarily have to wait for the IAEA. September 11 has given a new sense of

urgency to a danger that the world has been concerned about for some time and in that sense it provides an opportunity. The scope of these attacks has underlined the need for countries and IAEA to take vigorous action now to end the possibility that terrorist groups or rogue states could launcheven more devastating attacks in the future[22].

Proliferation of nuclear weapons and missiles is an urgent and profound threat to the security of all states and it requires urgent action. For this the following are recommended.

1. All states should evaluate security against nuclear weapons and other weapons of mass destruction and missile proliferation to an overarching imperative that trumps other secondary considerations[23].
2. States should increase the effectiveness of their export control system and assist other states in the same end.
3. The loopholes in NPT should be closed or amended and only countries which are signatories of the NPT's Additional Protocol should be allowed to import equipment for civilian nuclear reactors.
4. Non− proliferation initiatives such as the Proliferation Security Initiative (PSI) should be improved upon and expanded to allow more countries to participate in it.
5. Research into the peaceful application of nuclear energy in the field of medicine and agriculture should continue. Also, less developed countries of the world should be allowed to benefit from this.
6. Finally, it is recommended that countries being investigated for alleged NPT violations should be barred from holding positions of influence in the IAEA. Moreover, countries which possess nuclear weapons like the USA, Russia etc should disarm, stop gun-boat stratagem and engage in disarmament negotiations to ensure cooperation, equity as well as security.

With the foregoing done, the call for the globalisation of worldwide security to prevent nuclear proliferation and terrorism shall be greatly realised.

In conclusion , the IAEA and its efforts at nuclear non − proliferat ion need to be better supported and equipped to face the arduous challenge of keeping the world safe from nuclear weapons. Through mutual cooperation and dialogue, the IAEA would be in a better position to encourage countries to resist the temptation of making nuclear weapons in order to ensure global peace and security.

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