

INFORMATION SERVICES: RESEARCH

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The International Atomic Energy Agency (IAEA) and Iran's Nuclear Energy Development

1. Introduction

Much publicity has been generated by the heightened tensions between the International Atomic Energy Agency (IAEA) and the Islamic Government of Iran over the latter's decision to enhance its nuclear capacity. The issues surrounding this matter have been further exacerbated following the decision by the IAEA to refer the government of Iran to the United Nations Security Council (UNSC).

According to IAEA sources, among other things, the inspections of Iran's increased nuclear research programmes were undertaken in the context of verifying the non-diversion of nuclear energy from peaceful uses, to nuclear weapons or other nuclear devices. This was in accordance with the comprehensive safeguards agreement between the Islamic Republic of Iran and the IAEA.

This paper, in providing information on the processes and events leading to 4 February 2006 resolution by the board of the IAEA, requesting the Director-General to make a report concerning Iran to the UNSC shall highlight the following:

- Background Information on the Formation and Function of the IAEA;
- Iran's Engagement with the Interventions; and
- Position of South Africa.

2. Background Information on the IAEA

Box A: About the IAEA

The IAEA was formed in 1957 as an autonomous international body to promote the peaceful use of nuclear energy while at the same time dissuade its use for military purposes.¹ Basically, it is an inter-governmental forum for scientific and technical co-operation in the peaceful use of nuclear technology. As the body charged with this task, it also provides safeguards against the misuse of nuclear energy and also facilitates the application of safety measures in its use. Among other things, this task is achieved through inspections and investigations of suspected violators of the international instruments, primarily the Treaty in the Non-Proliferation of Nuclear Weapons (NPT).

The IAEA is led by a Director General, and currently it is Mohamed El-Baradei of Egypt whose term expires in 2009. He is supported by six Deputy Directors General. The Board of Directors is made up of 35 members who are responsible for overseeing its policy processes. The reports of the IAEA are periodically submitted to the UNSC.

Box B: Synopsis of the IAEA and Iran

The issue of Iran's nuclear capacity has been on the agenda for nearly two years. However, it was only in late 2005 that it became the focus and central to international news. In this on-going controversy, the key issues were the following:

- In February 2003, the Director General of the IAEA and other experts visited Iran to undertake an investigation of its nuclear programmes. The Director-General later indicated that there was no evidence that Iran was in fact pursuing a nuclear weapons capacity.
- In December 2003, the government of Iran signed the Additional Protocol at the IAEA headquarters in Vienna, Austria and agreed to its implementation as though it had been ratified.
- In January 2006, it was reported that Iran had resumed certain aspects of nuclear energy research and development, much to the reservations of the major powers, including the European Union (EU) and the United States of America (USA).
- On 4th February 2006, the Board of the IAEA passed a resolution requesting the Director General to draft a report concerning the "allegations" of Iran pursuing a nuclear weapons capacity to the UNSC. The resolution was passed with a vote of 27-3, that is, 27 members voted for the resolution, 3 voted against (Cuba, Syria and Venezuela) and 5 abstained (South Africa, Algeria, Libya, Indonesia and Belarus).²

¹ www.iaea.org

² www.wikipedia.org.

In fulfilling its mandate, there are two important instruments at the disposal of the IAEA. Firstly, there is the general Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which states voluntarily enter into. The objectives of the NPT are to prevent the spread of nuclear weapons and weapons technology. It is also intended to foster the peaceful uses of nuclear energy.³ Furthermore, through the treaty, it is envisioned that the goal of overall disarmament would be achieved.

The second instrument, which is also related to the NPT, is the Safeguards mechanism. This mechanism governs the interaction and relations between Party States to the NPT and the IAEA, in areas of verifying if the states are abiding by the Treaty. The Safeguards and Additional Protocol, function as a confidence-building measure an early warning mechanism, as well as a trigger, which sets in motion other responses by the international community, if and when, the need arises.⁴ In terms of the safeguards mechanism, the IAEA could visit member states in order to assess and verify state's adherence to the NPT by checking its declared nuclear material and nuclear-related activities.

Thirdly, there is the additional protocol to safeguards agreement. The difference between the safeguards and the additional protocol is that the latter provides the IAEA with the powers to inspect both the declared and undeclared nuclear related activities.⁵ Under the additional protocol, the IAEA has expanded rights of access to information and sites, as well as additional authority to use the most advanced technologies during the verification process.⁶

In the case of the Islamic government of Iran, the above instruments have been used to engage with the country's nuclear programme. Furthermore, apart from the government of Iran being a member of the NPT, it had signed the Additional Protocol (pending ratification), which had allowed the IAEA to visit the country for full inspection.

3. Tensions over Iran's Intended Development of Nuclear Energy

The government of Iran ratified the Nuclear Non-Proliferation Treaty in 1970 and since 1992 has allowed the IAEA to undertake inspections of its nuclear facilities. Prior to 2003, no IAEA inspections had revealed any violations by the Iran government of the NPT.⁷ Currently, Iran does not possess any nuclear weapons. Experts have stated that any intended development of

³ International Conventions & Agreements, Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

⁴ International Conventions & Agreements, Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

⁵ International Conventions & Agreements, Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

⁶ Nuclear Weapons, <http://www.globalsecurity.org/wmd/world/iran/nuke.html>

⁷ Nuclear Weapons, <http://www.globalsecurity.org/wmd/world/iran/nuke.html>

nuclear energy by the Government of Iran would require at least another two or so years, before it is in the region of a full nuclear war capacity.⁸

The decision by the IAEC to refer the issue of Iran to the Security Council was taken on 4 February 2006. This followed an announcement on 9 January 2006 by the Government of Iran that it would resume its Research and Development (R&D) activities on the peaceful nuclear energy programme, which had been suspended as part of its voluntary and non-legally binding suspension'.⁹

Prior to this, there was wide speculation that since the 1990s, Iran has been trying to develop its nuclear energy potential but in keeping with NPT. However, it appears that the West or the developed states are of the view that the development of the nuclear energy by Iran is intended to enhance its technical know-how in the peaceful sphere. This, it is argued, could be further developed and strengthened to create nuclear weapons at a later stage.

Thus far, the tensions with the IAEA are over Iran's position to establish a complete nuclear fuel cycle to support a civilian energy programme. Iran has insisted that its resumption of research in the field of nuclear energy is something that all the countries are entitled to, under the NPT. The NPT states that any country has the right to enrich its own fuel for civil nuclear power. However, it would appear that the fear from the West is that the very same fuel cycle could be applicable to a nuclear weapons development programme.¹⁰ Currently, there are two areas that have been of concern to the IAEA, and these are continued uranium enrichment at Natanz and plutonium production at Arak in Iran.

Furthermore, there is a view that if Iran were to acquire atomic bombs, it would put pressure on the other countries in the region to do the same. Many Arab states believe that it is unfair that Israel (which is not party to the NPT) has nuclear weapons. If Arab countries, especially Saudi Arabia, Egypt and Syria, found themselves caught between a nuclear-armed Israel and a nuclear-armed Iran, they would be pressured to try to explore their own nuclear capacities. Thus, in such a scenario, an arms race could be foreseen in a region already engulfed by conflicts and instability.

It appears, therefore, that the real issues revolve around trust among states and member countries to the NPT. Thus, it is this lack of trust, which seems to have propelled other states, especially the West to take positions and views that appear to be violating a country's right to develop its nuclear energy for peaceful use.

⁸ Nuclear Weapons, <http://www.globalsecurity.org/wmd/world/iran/nuke.html>

⁹ Report by the Director-General, Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran 27 February, 2006

¹⁰ Nuclear Weapons, <http://www.globalsecurity.org/wmd/world/iran/nuke.html>

3.1 Attempts to Defuse the Tension

Prior to a decision by the IAEA to refer the matter to the UNSC, there were efforts to deal with this challenge within the context of multi-lateral discussions.

The February 2003 visit of the IAEA inspectors to Iran concluded that Iran's nuclear facilities (plants for uranium enrichment in Natanz and heavy water production in Arak) were larger, more sophisticated and much closer to completion than previously assumed.¹¹ As a result, France, Germany and the United Kingdom (UK) initiated discussions in 2003 with Iran in order to try and dissuade the country from pursuing the development of this capacity.

This initiative by the above-mentioned three EU countries led to an agreement in October 2003 and the parties agreed to:

- Engage in full co-operation with the IAEA to address and resolve through full transparency all requirements and outstanding issues of the Agency and clarify and correct any possible failures and deficiencies.
- Sign the IAEA Additional Protocol to its Safeguards Agreement¹² and commence ratification procedures.
- Voluntarily suspend all uranium enrichment and reprocessing activities as defined by the IAEA. (As noted above, Iran subsequently signed the Additional Protocol in 2003 and agreed to its implementation even prior to ratification).

This agreement, and others which followed, were meant to build confidence and open up space for further discussions to find a long-term solution to the current challenges. However, while the agreement could have been welcomed as one step towards finding a solution, it did not address what was at the centre of the challenge, and that is Iran's right to enrich its nuclear capacity.¹³

One of the proposals that had been considered was for Iran's interest to develop its capacity to be done jointly with, and through the support of the government of Russia. In terms of this proposal, instead of Iran developing its own indigenous enrichment capacity, it would instead acquire this from Russia. That is, Russia would develop this from its own soil, and then export it to Iran.¹⁴ However, such a proposal would not have been easily accepted by

¹¹ Question and Answer: Iran's Nuclear Energy, www.bbconline.co.uk

¹² The Safeguards Agreements defines the nature and extent of both the state's and the IAEA rights and obligations. Any country which accepts the Additional Protocol agree to grant the IAEA expanded access to information and sites, as well as additional authority to use the most advanced technologies in seeking assurance about both declared and potentially undeclared nuclear activities.

¹³ International Crisis Group, Iran: Is There a Way Out of the Nuclear Impasse, 23 February 2006

¹⁴ International Crisis Group, Iran: Is There a Way Out of the Nuclear Impasse, 23 February 2006

Iran as, amongst other factors, it would be seen as limiting and violating its Iran announced its own decision to continue with the uranium enrichment, and to further stop any application of the Additional Protocol effectively barring the IAEA from launching surprise inspections as well as inspections of non-declared sites.

South Africa is one of the countries, which has taken an interest on the issues pertaining to the Iran nuclear energy debate. .

4. Position of South Africa

Furthered the development of a peaceful nuclear programme.¹⁵ Furthermore, South Africa has also remained opposed to adherence to the NPT, as well as an immediate implementation by the

¹⁵ Statement by South Africa's Governor, Mr Abdul Minty to the IAEA Board of Governors on the Implementation of NPT Safeguards in the Islamic Republic of Iran (Agenda item 3c: Other Safeguards Issues) Vienna, 24 November 2005.

¹⁶ Statement by South Africa's Governor, Mr Abdul Minty to the IAEA Board of Governors on the Implementation of NPT Safeguards in the Islamic Republic of Iran (Agenda item 3c: Other Safeguards Issues) Vienna, 24 November 2005.

nuclear weapon states of their undertaking to eliminate their nuclear arsenals leading to nuclear disarmament.¹⁷

South Africa has also focused on persuading member states to the NPT of the need to distinguish between the voluntary measures by a member state from the legally binding interventions based on the Safeguards Agreement. Furthermore, the position of South Africa has always been for the total elimination of all nuclear weapons, and as such, its understanding of the issue is that nuclear disarmament and nuclear proliferation are inter-connected.¹⁸ Given the fact that there are states, which have opposed total disarmament and frustrated the proliferation process, South Africa has remained firm that access to nuclear technology for peaceful use is an inalienable right.

South Africa was also one of the countries that objected to the referral of the matter of Iran to the UNSC. In one of its submission made by the country's representative, Mr Minty noted that, *'in the absence of a definitive assessment by the Agency on the implementation by the Islamic Republic of Iran of its NPT Safeguards Agreement with the Agency, the Board cannot now consider referring a report or reports to the Security Council and the General Assembly.'*¹⁹ South Africa, in opposing the decision, based it on the fact that it feared that the role, authority, impartiality and integrity of the IAEC would be compromised. Furthermore, it could lead to a case where the UN, specifically the Security Council would be involved at a time when the IAEC had not fully concluded nor exhausted all the options at its disposal, with regard to its engagement with the Government of Iran.

The argument for not compromising or weakening the role of the IAEC is found in a number of statutes governing the work of the Agency. Of particular importance is the decision taken at the 2000 NPT Review Conference, which stated that:

The Conference reaffirms that IAEA is the competent authority for verifying and assuring, in accordance with the statute of IAEA and the IAEA safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article 11, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It is the conviction of the Conference that nothing should be done to undermine the authority of the IAEA in this regard."

¹⁷ Statement by South Africa's Governor, Mr Abdul Minty to the IAEA Board of Governors on the Implementation of NPT Safeguards in the Islamic Republic of Iran (Agenda item 3c: Other Safeguards Issues) Vienna, 24 November 2005.

¹⁸ Statement by South Africa's Governor, Mr Abdul Minty to the IAEA Board of Governors on the Implementation of NPT Safeguards in the Islamic Republic of Iran (Agenda item 3c: Other Safeguards Issues) Vienna, 4 February 2006

¹⁹ Statement by South Africa's Governor, Mr Abdul Minty to the IAEA Board of Governors on the Implementation of NPT Safeguards in the Islamic Republic of Iran (Agenda item 3c: Other Safeguards Issues) Vienna, 4 February 2006

5. Conclusion

Finding common ground at a multilateral level on the issue of nuclear energy is arguably, one of the most complex negotiation processes. The challenge facing the IAEA is how best to ensure compliance to the existing international instruments without taking action that might in fact affect state relations and lead to possible punitive measures. This is currently part of the situation over the Government of Iran. Refereeing the matter to the UNSC might end up with a situation where punitive measures such as sanctions are decided upon. Such a decision could push the Government of Iran further away from wanting to comply with the international community over this matter. South Africa's position has sought to avoid such a possible outcome.

The other challenge for the IAEA is how to find a proper balance between the needs of States, which require nuclear energy for peaceful purposes, and those that might in fact be suspected of wanting to pursue a nuclear weapons capacity. Again, South Africa has continued to defend the rights of states to acquire nuclear capacity for peaceful ends. This right is inalienable. The attempts to realise this rights, especially for small states from the South, has often been resisted by the countries of the North, most of whom are in possession of nuclear weapons anyway. Thus, a related challenge is that of finding a common position and building consensus among the countries of the South, who might want to have access to nuclear energy within the context of respect for international law.

7. Sources

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