

International Atomic Energy Agency: Its role in Iran and North Korea Nuclear Issues

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Abstract:

The second quarter of 20th century saw the proliferation and horrific use of nuclear weapons. Which compelled world leaders to use atom for peaceful purposes and for this an international nuclear watch dog was developed. IAEA from the last two and half decades is dealing with the nuclear energy and nuclear weapons issues especially Iran and North Korea nuclear programs. IAEA have a well-organized structure headed by director general. In 1970 NPT emerged as a multilateral treaty signed by both nuclear and non-nuclear weapons states. IAEA with NPT provisions deal with nuclear issues. Iran and North Korea nuclear reactors inspection remained a testing ground for IAEA. NPT put enormous legal restraints upon the signatory states and increase IAEA powers to inspect declared and undeclared nuclear sites. Iran and North Korea were the signatory of NPT due to which IAEA inspections were legal to inquire the suspected sites in both the countries. The agency remained unsuccessful to resolve Iran and North Korea nuclear quagmire. Major Powers influence, UN Security Council, and the lack of well-organized enforcement mechanism are the main hurdles in the successful operations of IAEA. The agency needs to be independent from the UN Security Council and develop its own mechanism of final decision making and implementation.

Keywords: IAEA, Iran, North Korea, NPT, Nuclear weapons

Introduction:

International Atomic Energy Agency (IAEA) is an international organization that is established to initiate and pursue the peaceful use of nuclear energy and to inhibit its use for military purposes, including nuclear weapons. Till the emergence of IAEA, the world had witnessed the devastating nature of nuclear weapons. IAEA was established in 1957 independently of United Nations through its own treaty called statute of IAEA. But IAEA reports both to United Nations General Assembly and Security Council. United Nations Security Council issued resolutions on the recommendations of IAEA, as in the cases of Iran and North Korea (The Statute of IAEA, 1998). Its main headquarters have established in Vienna, its regional headquarters are found in Tokyo "Japan" and Toronto "Canada". It includes 169 member states, some with special safeguard agreements. The IAEA main purpose is to serve as an international nuclear watch dog and endeavor in the scientific and technological cooperation for the peaceful use of nuclear power. Its main organs are the Board of governors, General Conference, and Secretariat (International Atomic Energy Agency History, 1998).

The emergence of NPT gives more powers and provides substantive provisions for IAEA to work on. IAEA played a very important and critical role in Iran and North Korea nuclear issues. Iran and North Korea signed the NPT, which obliged the two states to refrain from using nuclear energy for military purposes. Iran signed special protocol agreement with IAEA, which gave more powers to the inspection teams (Suleman, 2008). In 2002 Iran was found in violation of NPT obligations and in breach of IAEA safeguard agreements. In 2003 Iran signed additional protocol agreements with IAEA (Negm, 2009). North Korea in 2003 announced the withdrawal from NPT amid intense security threats from the USA. The withdrawal from NPT leads to the

termination of safeguard agreements with IAEA. Eventually North Korea withdraw from NPT and IAEA with her nuclear explosion in 2006 and faced severe economic and sanctions from the west (Kirgis, 2003). This research paper would answer the following questions in the coming pages. (1) What is the organizational structure of IAEA? (2) How NPT give strength to IAEA? (3) What is the role of IAEA in Iran and North Korea nuclear issues?

IAEA Organizational structure

International Atomic Energy Agency has three main bodies.

Board of Governors is one of the policies making body of IAEA. The number of representatives is 35 on the basis of geographical locations. Among these members 22 are elected by general conference and at least 10 members are nominated by the outgoing board. (Kendall, 2015).

According to the Article 5 of the statute, General Conference composed of all member states, meet once in a year. The general conference approves budgets and actions from the board of governors. Issues of budget, statute amendment, and suspension of a member privileges requires a 2/3 majority in the general conference and all other issue requires a simple majority. The function is identical almost to UN general assembly (Statute, 1989).

Secretariat is the professional organ consists of 2200 general service staff from 100 various countries, headed by director general. The director general is responsible for the enforcement of actions passed by board of governors and general conference.

IAEA and NPT Interrelation

Nuclear non-Proliferation Treaty is a multilateral agreement among the States, which obliged the states to not use nuclear energy for military purposes rather use it for peaceful civilian purposes. It is a legal agreement among states to neither receive nor give nuclear weapons to the NPT and non-NPT member state. NPT legally obliged all the signatory states to not use nuclear energy for military purposes and declared five states i.e. America, Britain, France, China and Russia as nuclear weapons states, which test their nuclear weapons prior to 1967 (Soofi, 2018). NPT an international treaty focuses on the prevention of nuclear weapons and weapons technology. According to Article three of the treaty agreement, NPT just pronounce the obligations of the treaty and give no frame work for implementation. For implementation purposes it refers the matter to IAEA. If any state sign NPT it automatically come under the safeguard agreement of IAEA, so here it creates an interesting situation of signing one treaty make you obligatory of another treaty safeguard agreements (IAEA). Article six of NPT says about the complete disarmament of already acquired nuclear weapons states in good faith, but cannot give the exact date of disarmament. Article eight says about the amendment in the NPT laws but it's a very rigid process (Ibid). For the amendment majority of ratified member states, five nuclear weapons states and board of governor's consensus is must. According to NPT nuclear weapons states are those states, which exploded and acquired nuclear weapons prior to 1967. Article ten gives a possibility of withdrawal from the treaty in conditions when supreme national interests are jeopardized. NPT came into effect from 5th march 1970 (Nuclear Proliferation Treaty at a Glance, 2012). There are five states which non signatory of the NPT Pakistan, India, Israel, South Sudan and North Korea. In fact, North Korea withdraws from the NPT in 2006. The IAEA has three main goals.

1. Nonproliferation.
2. Peaceful use of Nuclear energy
3. Disarmament.

Now by over-viewing NPT, it become clear that, IAEA and NPT have close relation with each other as NPT was implemented in 1970 while IAEA is working from 1957. NPT provide IAEA with substantive provisions to work on. IAEA is an institution while NPT is statute of law and

this statute of law increased the working and function of international Atomic Energy Agency. With the emergence of NPT, the international atomic energy agency made special inspection teams under NPT special protocol agreements, which give IAEA extensive functions of inspection in every nuclear suspicious activity of the states. Thus, IAEA act as regulator and take practical steps to implement NPT laws (Oakberg, 2015).

Iran Nuclear issue and IAEA

Iran nuclear program has its roots back to the US Iran nuclear deal in 1957. It was the time when Iran under Shah had good relations with USA and other European States. America signed a nuclear deal with Iran called civil nuclear cooperation agreement for peaceful purposes in 1957 (Iran Nuclear History, 2018). Further Iran built a highly uranium enriched research reactor in 1967. In 1970 Iran signed a Nuclear Non-Proliferation Treaty NPT, which legally restricted Iran from building nuclear reactor for military purposes and Iran Signed NPT protocols. In the 1970s after the signing of NPT the USA and Iran relations were still friendly and both the countries in 1974 signed a 15-billion-dollar agreement in the nuclear energy sector. In 1979 revolution Iran came under a theocratic government of Khomeini, which shattered Iran and US relations and then onward US-Iran ties became strained and Iran felt to have a nuclear weapon to deter US power in the region. In 2002 NCRI (National Council of Resistance of Iran) a group of Iranian exiles in the west exposed to the world that Iran have unknown, unreported, and unexposed nuclear reactor. From here onward the IAEA under its own safeguards and also under NPT obligations became active and started inspecting Iran under its inspection teams. The inspecting team found Iran guilty and declared that Iran had violated the rules. IAEA initiated talks with Iranian authorities to give access to Natanz and Arak nuclear plants through signing additional protocol under safe guard agreements (Kıbaroğlu, 2007). In 2003 Iran reached an agreement with IAEA and three European states France, Germany, and United Kingdom collectively called E3 to sign additional protocols. Additional Protocol “This increases the IAEA ability to investigate undeclared nuclear facilities and activities. This increases the IAEA authority to inspect certain nuclear related facilities and demand information from the member state”. Iran signed in 2003 the IAEA additional protocol but never ratified it. In 2004 IAEA enlist all violations committed by Iran and reported to United Nations Security Council. Negotiations started between Iran and EU+3 in Paris in 2004 to deal with the nuclear issue and finally the parties agreed on a deal called Paris accord. But Iran restarted its nuclear program covertly, when Ahmadinejad won the 2005 election and in 2006 the director general of IAEA referred the issue to United Nations Security Council and UNSC under resolution 1696 imposed sanctions on Iran majorly economic sanctions (Chronology ofl events (Iran), 2019). The resolution further called on Iran to suspend uranium enrichment and warned Iran of future consequences. The United Nations Security Council imposed all the resolutions on the recommendations of IAEA. In 2007 Iran failed to provide the IAEA with some information related to its nuclear program i.e. nuclear reactor at Atark. In 2012 IAEA again requests Iran of FORDOW construction plant to provide information but Iran failed to provide information. In 2015 finally Iran reached an agreement with world major six powers including United States called “Joint Comprehensive Plan of Action”. Details will be discussed later in the proceeding lines.

UNSC Resolutions over Iran Nuclear issue under IAEA recommendations

United Nations Security Council issued seven resolutions in which six times the matter was referred by IAEA. The following are some important UNSC resolutions regarding Iran nuclear issue.

1. Resolution (1696) was adopted in 2006 under the Article 40 of UN charter in which the Security Council called on Iran to suspend nuclear reactors and review its compliance

with IAEA Board of Governors. This resolution was to warn Iran; therefore, sanctions were not imposed.

2. Resolution (1737) was issued on December 23, 2006 which imposed severe sanctions on Iran as a state and also individual entities were targeted. When Iran failed to comply with IAEA safe guard agreements.
3. Resolution (1747) was issued on March 2007 to use Nuclear energy for peaceful civilian purposes as mentioned in the NPT documents and comply with IAEA Board of Governors requirements.
4. Resolution (1803) was adopted on March 3 2008 which urged Iran to comply with previous resolutions. This resolution imposes more severe sanctions on Iran as a state and also on individual entities.
5. Resolution (1835) was passed on September 2008. This resolution just reaffirmed the previous resolutions and did not add any new sanctions on Iran.
6. Resolution (1929) on June 2010 imposed a new series of sanctions on Iran. The sanctions include complete arms embargo and prohibited Iran from initiating any activity regarding ballistic missiles (UN Security Council Resolutions on Iran, 2017)
7. Resolution (2231) was adopted on July 2015. This resolution endorsed the Joint comprehensive deal signed between P5+1 and Iran. IAEA was given the role to oversee the requirements mentioned in the Joint comprehensive deal. (Sen, 2018).

Joint Comprehensive Plan of Action, IAEA, and American withdrawal from the nuclear deal

The Joint Comprehensive Plan of Action consists of P5+1 including Security Council five permanent members and Germany. It is a group of six major powers which come in a diplomatic effort in 2006 with the mission to find a peaceful settlement to the Iran nuclear issue. The three European countries were engaging with Iran since 2003 and in June 2006 joined by USA, China and Russia to find out another proposal for comprehensive negotiations with Iran. Senior members of the states meet in February 2014 in Vienna and agreed on a framework of future negotiations (Time Line of Nuclear Diplomacy With Iran, 2018). After a series of talks and deliberations on 14 July 2015 p5+1 and Iran reached an agreement officially called Iran nuclear deal. The final announcement was made that the eight parties reached an agreement on comprehensive framework deal. The United Nations Security Council resolution will endorse the agreement.

Under the United Nations Security Council resolution (2231) Iran would be free and all sanctions to be lifted from Iran. On this resolution the “Joint Comprehensive Plan of Action” was formed, this agreement would last for 15 years and Iran will significantly reduce its uranium plants i.e. reduce from 20000 centrifuges to 5060 and it will be only used for peaceful purposes i.e. 98%. This agreement authorizes IAEA and made Iran to sign special protocol for the agency inspection teams. The IAEA powers has been broadened and given scientific tools to check the sites efficiently. Under the agreement the agency inspection teams can visit and inspect the undeclared sites (Sterio, 2016). According to this agreement Iran will not be permitted to build additional heavy water reactors for 15 years. There will be no enrichment facilities other than Natanz and Iran only can enrich up to 3.6% of the uranium. IAEA will continuously monitor declared and undeclared nuclear sites under special protocol agreements. In case of violation of the agreement the UNSC sanctions on Iran will automatically be snap back for ten years and it may extend for further five years (Joint Comprehensive Plan of Action, 2017).

On May 2018 the United States withdraw from the Joint Comprehensive Plan of Action. The reports presented by IAEA were in compliance to the deal. IAEA inspection teams were

confident and fully satisfied over the over Iranian cooperation (President Trump withdraws the United States from Iran Deal and announces the Reimposition of Sanctions, 2018). In a joint statement the leaders of Germany, France and Britain responding to the US withdrawal from the Iran Nuclear deal and said that UNSC has a resolution on the agreement and the agreement has a legal binding status. The US withdrawal from the agreement was largely welcome by conservatives in the USA and criticized by Barack Obama, Joe Biden and various EU countries express regret on the United States withdrawal. This agreement was made in the President Barack Obama era and Senator John Kerry said that this agreement will make the world safer. But Donald Trump in his election campaign harshly criticizes the landmark nuclear deal agreed between Iran and other world powers. Mr. Trump calls the deal a “rotten and decaying”. The trump administration is intended to impose again severe sanctions on Iran. One of the main reasons of the Trump withdrawal from the deal was Israel and Saudi Arabia opposition to the Iran Nuclear deal and appointment of hawks in the key appointment positions. Israel prime minister welcomes the decision, while Iran and EU member states criticize the US withdrawal from the nuclear deal. Here the American withdrawal from the deal does not means that the deal is immediately dead (Landler, 2018). Trump defection from the deal is not based on clear evidence of Iranian violations of the deal. His defection surrounds on two points. First is that the deal is not permanent and the restrictions on Iran will relax after ten years and it did not stop Iran permanently from building a nuclear weapon. Second the deal does not cover other grey areas i.e. Iran support for proxies, militant groups and rebels in various regions. The Trump administration put secondary sanctions on Iran i.e. warn the companies and firms doing business with Iran, this will directly and indirectly hit Iranian economy and Iran would have a little space to hold the agreement. These sanctions severely hit Iranian economy and projects of billions of dollars were to be cancelled due the secondary sanctions. The oil prices will become unstable if Iran decreases its oil exports (Cherkaoui, 2018).

North Korea Nuclear Issue and IAEA

The North Korea nuclear issue is dated back to the Korean of 1953. USSR supplied North Korea with nuclear reactors in 1965 and it was only for civilian purposes. In 1977 North Korea signed safeguard agreements with IAEA. In 1985 North Korea signed NTP, which legally bound Korea from building nuclear reactors for military purposes (North Korea Nuclear, 2019). In 1990 intelligence detect nuclear reprocessing facility in North Korea. IAEA inspection team found and declares North Korea of violating the NPT safeguard agreements. In 1992 finally North Korea signed the special safeguard agreements under international pressure with IAEA, and IAEA inspection team began its process and another platinum reprocessing plant was discovered. In 1993 North Korea warned the IAEA of withdrawing from NPT and special safeguard agreements (Kirgis, 2003). The North Korean officials declared that we are withdrawing from NPT and IAEA safeguard agreements by defending our supreme national interest. US brokered an agreement with North Korea; When US president Jimmy Carter visited North Korea to discuss the issue with the Korean leadership. Jimmy carter came back with conciliatory messages. On 18 Oct 1994 in Geneva the two sides reached a frame work agreement. The following are some main points from the frame agreement between USA and North Korea.

1. The North Korea will freeze all the present nuclear programs and would the inspection teams for the verification.
2. In return the USA will help North Korea 4billion dollar and would supply two 1000MW light water reactors.
3. USA would provide North Korea with massive oil supply to meet her energy crisis.
4. Both the Nations will ease trading sanctions and will trade in an open environment.

5. North Korea will be fully ensured from USA side of the use of Nuclear weapons on Korean peninsula (Fisher, 1997).

This frame agreement was taken with great relief across the world and people thought that the second Korean War has been averted. The IAEA was not happy with frame work agreement because the framework agreement will take ten years to its full implementation; inspection of two sites would not take place until light water reactors have not been completed. It did not strengthen the IAEA inspection provision and IAEA were allowed to specific inspecting sites. In the preceding years the IAEA significantly reformed the internal structure to perform the agency activities more perfectly. The USA subsequent administrations failed abide by the framework agreement, till the mentioned time the light water reactors were not completed, North Korea was not removed from the list of states sponsoring terrorism. The Bush administration declares North Korea as the Rogue state. In 2001 USA secret plans detect nuclear activities related to military purposes (Thornton, 2017). In January 2003 North Korea announced withdrawal from NPT under the protection of supreme national interest and imminent National Security threats. In 2003 North Korea expelled all IAEA inspection team and was on the brink of withdrawal from IAEA (Gebru, 2015). Finally, in Oct 2006 North Korea successfully tested nuclear weapons; the IAEA Director General expressed a deep regret over the nuclear test. Thus, North Korea automatically withdraws from NPT and IAEA safeguard agreements with the nuclear explosions. Four days after the nuclear explosions the United Nations Security Council adopted a resolution in which North Korea was severely sanctioned especially economically and was demanded to again become a part of NPT and join IAEA safeguard agreements. After the initial explosion North Korea exploded further nuclear weapons which can even hit American cities. Upon testing further nuclear bombs the UNSC imposed harsh sanction over North Korea. In 2016 North Korea made two explosions in a single year. In 2016-17 North Korea tested Hydrogen bond and other lethal weapons (Avery, *et al.* 2018). The IAEA director Yukiya Amano condemned the nuclear tests. The IAEA warmly welcome the recent USA and North Korean leaders' summit and hope for the complete denuclearization of Korean peninsula. The IAEA role now in the North Korea nuclear issue is very minimal because North Korea is now not a part of NPT. Currently North Korea is facing international sanctions on one side and pursuing diplomacy on the other side (Kirgis, 2003)

Conclusion

International Atomic Energy Agency is the only reliable international organization working on the International arena to ensure the peaceful use of energy. The agency though works independently but on serious nuclear grounds the issue is referred to the UN General Assembly and UN Security Council. The IAEA have many organs working in their own domains. The director general oversees the working of the agency. NPT a multilateral agreement among the states gave more legal and institutional powers to IAEA, which broadened the Agency working in the nuclear related matters. The main strength given by NPT is the legal binding of states to sign safe guard and additional protocol agreements with IAEA. IAEA has played a vital role in the Iran and North Korea nuclear issues but cannot solve the matters. Iran and North Korea were both signatory of the NPT, which legally bound them from developing nuclear weapons for the military purposes. The agency was very active in the Iran and North Korea nuclear issues due the legal provisions provided by NPT. But still IAEA remains weak and soft when the matter entangled among the major powers interest because IAEA has no effective enforcing capability. IAEA needs to establish itself as an impartial organization and works for the betterment of the world where there is lesser threat of nuclear weapons.

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