The Case for an Immediate IAEA Special Inspection in Syria

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Brief Analysis

A key option for inspectors of the Vienna-based International Atomic Energy Agency (IAEA), the world body charged with stopping the spread of nuclear weapons, is a "special inspection" an intrusive visit made when the IAEA judges the information provided by a state to be inadequate. But The IAEA is reluctant to use such inspections, even though, in the case of Syria, circumstances cry out for one. This reluctance challenges the authority and credibility of the agency, its board of governors (made up of the representatives of thirty-five of its member states), and the ultimate guardian of the world nuclear order, the United Nations Security Council.

Background

Since 1970, the IAEA has been responsible for inspecting the nuclear facilities of states that have signed the Nuclear Nonproliferation Treaty (NPT) to make sure that nuclear material is not diverted from peaceful activities to nuclear weapons programs. This does not mean, however, that over the course of the last forty years, all issues relating to these so-called "safeguard" missions have been clarified and the necessary policies and practices established.

The IAEA verification system has evolved over time to meet the new challenges posed by the spread of nuclear weapons. The agency's tools are inspections, reports of its findings to its board, and, if it deems necessary, referral of cases of concern to the UN Security Council. Until the early 1990s, the system focused on checking the correctness of a member state's declarations, that is, confirming that declared nuclear material had not been diverted. Since then, the system has also focused on detecting undeclared nuclear material and activities. The combination of these two objectives better serves the intent of Article III.1 of the NPT, which sets the goal of "preventing diversion of nuclear energy . . . to nuclear weapons."

It is important to note that the NPT uses the word "preventing," which means that the verification system must be designed to work so that alarms are triggered before the actual diversion takes place or a mushroom cloud appears.

After the safeguards system was revamped to detect undeclared activities, North Korea, Iran, South Korea, Egypt, Libya, and Syria failed to meet the reporting requirements under their safeguards agreements. The cases of South Korea and Libya were resolved with the cooperation of the states, and the case of Iran is being dealt with by the UN Security Council. The Egyptian case, relating to the presence of highly enriched uranium particles, has yet to be resolved.

Use of Special Inspections

Special inspections have been attempted only twice. The first case was in post-communist Romania in 1992, when the IAEA was asked to verify unreported plutonium separation experiments conducted during the Ceausescu regime. The affair did not make headlines; the request for inspection came in May 1992, the IAEA's director general reported the results in September 1992, and no special reports were issued.

The media focused much greater attention on the case of North Korea, where the IAEA requested a special inspection in 1993 but was refused the necessary access by Pyongyang. Subsequently referred to the UN Security Council, the case is being handled in a lengthy process that is still unfinished. Indeed, North Korea has since carried out two nuclear tests, one in 2006 and one in 2009.

Defining "Special" to Mean "Rare"

Before the 1992 and 1993 special inspection cases, the IAEA board had been strengthening the safeguards system, whose limitations had become apparent after Saddam Hussein's clandestine nuclear weapons program was discovered in Iraq following the expulsion of his forces from Kuwait. The role of special inspections was discussed, and one of the outcomes was the decision that a special inspection should be carried out "in rare occasions only." This definition has led some to consider special inspections as a good theoretical option, but one that never needs to be used.

This is a fallacy premised on the fact that a great majority of NPT signatory states duly fulfill their reporting obligations, cooperate with the IAEA, and comply with their obligations. Under such circumstances, there is no need for a special inspection, and consequently, such an event is indeed rare. But the decision of the IAEA board should not be taken to mean that such an inspection should be a rare event, but rather, that it should be used when needed.

The IAEA Secretariat should, therefore, use its rights fully to meet the spirit of the NPT by preventing the diversion of nuclear energy technologies and material to nuclear weapons. This is the agency's obligation; its secretariat should use all the tools at its disposal in a timely manner to fulfill its mandate. The special inspection is no exception; it should be used when there is an impasse, and challenges should not be allowed to persist and become increasingly complicated. Special inspections should not be treated lightly, but when they make it possible to clarify the picture or to remove inconsistencies, the world community must not shy away from them.

The IAEA could have invoked the provisions of a special inspection in the cases of South Korea and Libya. But it received the necessary cooperation from the inspected parties, had access to all sites, persons, and information requested, and was therefore able to fulfill its mandate to ensure that all nuclear material in those states was for peaceful use only.

In the case of Syria, however, the IAEA has reached a point where a special inspection is warranted at Deir Al-Zour (destroyed in a reported Israeli air strike in 2007) and other locations that could be functionally related to it or that may have information useful for clarifying what was going on there. The IAEA found uranium particles at the site, and satellite imagery and procurement information point toward possible construction of a nuclear reactor there. If it was a nuclear reactor, this would have been the first time that an IAEA member state and an NPT signatory constructed a plutonium production reactor on such a scale without reporting it to the IAEA. Together with official Syrian reluctance to give the agency access to relevant information, persons, equipment, and sites, the resulting situation calls for the use of full inspection rights to ensure that all nuclear material in Syria is for peaceful purposes.

If the world nuclear order is to be maintained and sanctuary for future nuclear proliferators prevented, the international community should expect nothing less than that the IAEA will use all its inspection rights in Syria, including a special inspection, now.

Olli Heinonen, a senior fellow at the Belfer Center at Harvard University, was formerly deputy director-general and head of the department of safeguards at the International Atomic Energy Agency. ❖

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