Twilight of the NPT? The US, Syria, Iran, North Korea and the Control of Nuclear Weapons

China Hand

Twilight of the NPT? The US, Syria, Iran, North Korea and the Control of Nuclear Weapons

China Hand

The United States has pushed the international non-proliferation regime to the breaking point.

Anxiety over US attempts to define and direct the international non-proliferation regime may be provoking some dangerous decisions in the Middle East.

The alleged clandestine nuclear facility at al Kibar in Syria that Israel bombed in September 2007 is a riddle wrapped in an enigma.

The Syrian government emphatically denies that there was a nuclear facility there.

Experts aren't sure there was a reactor, and are even less sure, if there was one, that its purpose was weapons-related.

The United States and Israel insist that North Korea assisted Syria in building a clandestine reactor that would produce plutonium from un-enriched uranium.

But instead of celebrating their vigilance and decisiveness in pre-empting the devious nuclear machinations of a rogue state, in the months after the Israeli bombing, Washington and Tel Aviv remained remarkably diffident about publicly pointing fingers at Damascus or Pyongyang. This has led to accusations that the State Department was more concerned about preserving the Six Party Agreement on North Korea than putting paid to full and cadet members of the Axis of Evil.

And there is still no good explanation as to why, seven months after the Israeli Defense Force bombed the facility to rubble—and six months after a frantic session of demolition, dismantling, and construction by Syria to bury whatever was at al Kibar under a new concrete box—the Bush administration decided to resuscitate its long dormant obligation to keep Congress and the IAEA informed with a dog-and-pony show including aerial photography, alleged photos from inside the Syrian facility and a video leaning on computer reconstructions.

And this was only after elements inside the Bush administration had spun a competing story that al Kibar was a non-nuclear SCUD assembly facility.

Somebody's got to be lying.

Or maybe everybody is.

But one thing is for certain.

The International Atomic Agency was left holding the short end of the stick again.

Blindsided by the alleged Syrian construction, cut out of the intelligence and decision-making loop by Israel and the United States, **the IAEA's ElBaradei was left to fume impotently** (http://www.iaea.org/NewsCenter/PressRelease/2008/prn200806.html):

> Director General (ElBaradei) deplores the fact that this information was not provided to

> the Agency in a timely manner, in accordance with the Agency's responsibilities under the nuclear Non-Proliferation Treaty (NPT), to enable it to verify its veracity and establish the facts. ...
> In light of the above, the Director General views the unilateral use of force by Israel as undermining the due process of verification that is at the heart of the non-proliferation regime.

ElBaradei's nemesis, John Bolton, **obligingly turned up to rub salt** (http://www.haaretz.com/hasen/spages/978043.html) in the wound:

> "The IAEA was and remains unable to deal with regimes like Syria," [Bolton] said in an e-mail to the Associated Press. "Israel did what was necessary to defend itself, and the U.S. had no obligation to brief the IAEA in such a matter."

The IAEA's role has been reduced to the unenviable task of visiting an alleged crime scene that has been subjected to massive tampering and—since there is no evidence that any tell-tale nuclear fuel or graphite ever arrived on site—engaging in unprofitable wrangling with the Syrians as to whether suspicious chunks of reinforced concrete in the landfill could be reassembled into a reactor building.

IAEA headquarters in Vienna, Austria

But the IAEA has bigger problems than Syria, John Bolton's middle finger, and Israel's bomb-first-ask-questions-later attitude.

America's disdain for the IAEA—whose meager budget is largely underwritten by the US—is an old and familiar story. ElBardei has fought to defend the IAEA's reputation, relevance, and effectiveness just as the US has sought to undermine, co-opt, and supersede it.

To be fair, the reason the United States has been able to kick the props out from under the IAEA so easily is because the Non-Proliferation Treaty, the instrument that gives the IAEA its key mission, is such a rickety structure to begin with.

The NPT allowed the five nuclear states—US, UK, France, Russia, and China—to maintain their monopoly of nuclear weapons on condition that they reduce and eventually eliminate nuclear stockpiles (Article VI). Non-nuclear states, in return for signing on to the NPT, renouncing their rights to nuclear weapons, and allowing their stocks of nuclear material to be monitored, would be rewarded with access to civilian nuclear technology. And a regulated non-proliferation environment would translate into a safe, burgeoning market for power stations that would fatten the wallets of the technology haves—institutionalized in the Nuclear Suppliers Group

Article V of the NPT voiced the fond hope that, now that the rest of the world had institutionalized its nuclear helplessness, the five nuclear weapons states would reciprocate by disarming.

Needless to say, that hasn't happened. And states inside the NPT that hold unfulfilled nuclear aspirations have noted that India, Pakistan, and (reportedly) Israel, all have emerged and flourished as nuclear weapons powers outside the NPT and without serious consequences . . . indeed, with powerful US support.

All of this calls into question the assumption of a grand bargain between nuclear haves and have-nots that underpins the NPT.

The arms control community will address the problems of the NPT regime in a conference in 2010—preceded by a preconference that is going on in Geneva right now.

To assess the prospects for the preconference, **Rebecca Johnson of the Acronym Institute** (http://www.acronym.org.uk/dd/dd87/87npt.htm) looked at the likely fate of the regime if the nuclear weapons states continue to insist on their monopoly without disarmament and in the face of proliferation outside the NPT:

> As long as that cold war and post-cold war reliance on nuclear weapons persists, it is difficult to see how the NPT will ever be universalized or fully implemented. This is the dilemma that is driving states to seek security solutions outside the NPT framework. The 2010 review conference will be "successful" only if it provides confidence in the achievability of disarmament and security without nuclear weapons.

While the nuclear weapons states shirk their disarmament obligations and aggressively defend their nuclear monopoly, the non-nuclear states have derived relatively modest benefits from the NPT regime.

The NPT pendulum lurched even further away from cooperation to antagonism between the haves and have-nots with the discovery of Iraq's clandestine nuclear programs in the wake of the first Gulf War in 1991.

It transpired that Saddam Hussein had set up a massive secret infrastructure to produce weapons-grade uranium. At the end of the day, Iraq's immense, multi-billion dollar effort had only produced 640 grams of enriched uranium and 5 grams of plutonium—not enough to build a bomb, but sufficient for the IAEA to find Iraq in breach of its anachronistic safeguarding obligation not to possess undeclared fissile material.

" 'Before and After': the destruction of a building at Al Atheer in the summer of 1992 carried out under the supervision of an IAEA Inspection team. The building had been used for Iraq's secret nuclear weapons programme. (Al-Atheer, Iraq, 1991-1998)." Action Team 1991-1998/IAEA

Nevertheless, the Director General at the time, Hans Blix, realized that the threat of secret programs and the production of undeclared fissile material from undeclared sources had to be addressed if the IAEA was to maintain its relevance.

He inaugurated a process to redefine the IAEA mandate to cover adversarial inspections within the scope of the original treaty—declared nuclear facilities and materials—and codify the IAEA's ability to call on the UN Security Council to back up IAEA demands with the threat of UNSC action.

Dr. Hans Blix, Executive Chairman of UNMOVIC and IAEA Director General Dr. Mohamed ElBaradei. (Vienna, Austria, 30 Sept 2002)." Dean Calma/IAEA

The United States under the Clinton administration pushed for further expansion of the IAEA's role beyond its traditional focus on accounting for declared nuclear material to demand detailed declarations from member states concerning all nuclear-related activities across the entire fuel cycle and equipment fabrication infrastructure, and undertake unannounced inspections of any nuclear material or nuclear equipment-related site anywhere on the basis of information not only collected by the woefully under-budgeted IAEA, but also provided by other sources.

The Additional Protocol: Bringing the IAEA to heel

The United States spearheaded the effort to draft a "Model Additional Protocol" granting the IAEA these further prerogatives, and tried to encourage universal adoption by signing its own Additional Protocol with the IAEA in 1998.

The US protocol was less than model, however, allowing the United States to shield its military facilities from scrutiny for reasons of national security. Nevertheless, the US was able to persuade a not inconsiderable slate of allies and small countries without nuclear ambitions to conclude their protocols.

But the new mission placed severe strains on the IAEA.

The IAEA's traditional role as bean-counter of declared fissile material in an amicable, consensual regime meant to increase the number of nuclear haves was shelved in favor of an ambitious, confrontational, and unsuitable job as global nuclear cop trying to deny nuclear capabilities to undesirable states.

The problem was compounded by the US insistence on selective prosecution of rogue states, while turning a blind or supportive eye toward the nuclear activities of its allies.

In the Middle East, the refusal of Israel to sign the Non-Proliferation Treaty combined with unremitting US hostility toward Iran, Syria, Lebanon and pre-2002 Iraq undermined the basic premise of the IAEA—equal treatment and equal access for all nuclear aspirants willing to sign on the NPT—and sent the underfunded, underpowered agency out on the hopeless mission of doing Washington's unpopular bidding among the Muslim states of the region.

With a minimal intelligence gathering capability of its own, the IAEA was forced to rely on tips from third countries who were not necessarily disinterested or unbiased, and who, for reasons of secrecy or otherwise, refused to release the intelligence underpinning their allegations for vetting.

It would appear that the US saw the Additional Protocol as a useful tool for detecting clandestine programs and also the perfect vehicle for a perpetual adversarial procedure that would keep

America's enemies in permanent nuclear limbo.

In a rare endorsement of a Clinton initiative, the Bush administration eagerly took up the cause of the Additional Protocol and the intrusive inspection regime it enabled.

The United States made the case for, in essence, discarding the original NPT regime and, with mandatory universal adoption of the Additional Protocol, placing it on a new footing.

In 2003, the State Department's Deputy Assistant Secretary for non-proliferation, Andrew Semmel, **stated** (http://geneva.usmission.gov/press2003/0505IAEASafe.htm):

> The United States supports universal adoption of the Additional Protocol. ...
> Some countries with sizable nuclear programs are holding back – their reasons are not always clear. Those who have not negotiated an Additional Protocol should act now. ...NPT parties with programs that raise serious questions must be pressed to choose between their current policies and steps that would help restore confidence in their nuclear programs including acceptance of the Additional Protocol. The Additional Protocol must become the standard for NPT parties.
> We need to consider other ways to encourage acceptance of the Protocol. Members of the Nuclear Suppliers Group and the Zangger Committee [an informal group of exporters of nuclear materials and equipment] should consider adoption of the Additional Protocol as a condition of nuclear supply by 2005. Advanced nuclear countries should establish programs, in coordination with the IAEA, that provide technical assistance for implementation of the Additional Protocol to countries that need it.

Semmel's call to use the Nuclear Suppliers Group to pressure states to accept the Additional Protocols echoed a demand by NATO in its **November 2004 resolution** (http://www.nato-pa.int/Default.asp?SHORTCUT=596) on nuclear proliferation that acceptance of the protocols be made mandatory and a prerequisite for the international nuclear trade.

The Bush administration, guided by Robert Joseph and John Bolton, worked to enhance US influence over the IAEA and encourage it to fully exploit the investigatory and sanctioning leverage that the US was working to accrue to the IAEA--leverage that the IAEA leadership seemed loathe to deploy.

A major source of irritation for the United States (and Israel) has been ElBaradei's insistence on the director general's discretion to engage in IAEA-level diplomacy with Tehran, instead of simply availing himself of the UN Security Council sanctions weapon to compel Iranian concessions.

Indeed, the multi-year confrontation over Iran's nuclear programs can be seen in terms of Tehran's continued struggle to return its dossier to the relatively safe harbor of ElBaradei's IAEA, while the United States flings allegations like the mysterious "Laptop of Death," allegedly of Iranian origin, over the transom at crucial junctures in order to keep the issue in the more hostile venue of the UN Security Council.

John Bolton's quixotic, high profile vendetta against ElBaradei's third term should be understood less as pique at the Director General's correct reading of Iraq's "weapons of mass destruction" and coddling of Iran than as a

doomed attempt to install a pro-American director general (the only candidate the US was able to float was Australia's Foreign Minister, Alexander Downer) and divert the IAEA mission into an even more pro-American direction.

If a U.S. ally had gained the IAEA directorship, the organization would undoubtedly have vigorously asserted its prerogatives for heightened, adversarial scrutiny of Iran—and any other potentially nuclear state on America's blacklist and resorted more readily to the UN Security Council and its coercive power when disputes arose.

However, the United States' credibility and pretensions to leadership of the world anti-proliferation movement were undermined by the Iraq shambles.

ElBaradei, his stance on Iraq vindicated by the post-invasion failure to detect WMDs, and in proud possession of a Nobel Peace Prize, sailed to a third term.

Denied the Director General slot, there was also some talk in the US of removing the Director General's discretion in the matter of referring breaches of the safeguarding agreements to the UN, making the referral obligatory and turning the IAEA into a purely information gathering organization.

At the same time, the Bush administration concentrated on superseding the IAEA as a standards-setting authority by seeking to impose its own interpretation of the non-proliferation regime.

An article by **Jan Lodding of the Acronym Institute states** (http://www.acronym.org.uk/dd/dd75/75jl.htm):

> ...some states are updating their interpretations...making the legal argument that since comprehensive agreements with additional protocols are becoming established as the prevailing norm of the safeguards system, these broader agreements now constitute the safeguards legally required under Article III [of the NPT].

For "some states" read the "United States" and its allies.

This rather unlegal "legal argument" can be regarded as a classic expression of "I can't get people to agree with me but since they didn't openly disagree with me I'll ignore the absence of a formal agreement and claim to represent a tacit consensus that is, somehow, legally binding".

However, the Bush administration fatally compromised its demand for a new, universal NPT regime by going outside the framework of the treaty to cut a strangely opportunistic deal with one of the major nuclear weapons powers that hadn't even signed the NPT treaty, let alone the Additional Protocols.

In March 2006, the Bush administration took the eyebrow-raising step of bilaterally negotiating a new nuclear agreement with India that confirmed India's right to operate eight of its 22 nuclear reactors on a weapons-related basis outside the scope of safeguarding.

Although explanations abound—from potential reactor sales to arms sales to (according to President Bush) preferential access to India's luscious mangoes—a compelling motive for this U.S. strategic giveaway has not emerged.

The stated reasons were India's peaceful, democratic nature (despite its profound, frequently bloody clashes with Pakistan that, as recently as 2002, had threatened to erupt into a nuclear war) and the legitimate need of its burgeoning economy for nuclear power.

Unstated reasons presumably include a desire for a diplomatic coup against Russian nuclear commerce and Chinese diplomatic and economic influence in the subcontinent. The desire to establish a precedent for Israel to announce and legitimize its secret nuclear weapons arsenal under US sponsorship is also a possibility.

In any case, the IAEA's ElBaradei, apparently grateful for the opportunity to enjoy half (or 14/22) of a loaf instead of a complete shutout in India, gave his post-hoc blessing to the deal, which seemed to confirm the IAEA's growing irrelevance.

The Syrian Nuclear Reactor

If Syria decided to build a clandestine nuclear reactor with North Korean assistance, its motives and judgment are certainly open to question.

But in light of overt US hostility toward Syria and the mounting evidence that the United States was inexorably transforming the NPT regime into an instrument of American policy used to punish its enemies or reward its friends at its discretion, a decision by Syria to pursue nuclear aspirations it regarded as legitimate outside the customary framework of IAEA principles and processes would be, perhaps, understandable.

Syria has openly sought a nuclear capability for over twenty years. It claims its objective is civilian power generation only. Syria has a much more plausible case for nuclear power than Iran, given Syria's shortage of oil and presence of uranium resources.

According to the Nuclear Threat Initiative (NTI), run by Ted Turner and Sam Nunn, **Syria first expressed** (http://www.nti.org/e_research/profiles/Syria/Nuclear/index.html) its interest in developing a civilian nuclear capability ten years ago.

It's worth quoting the NTI at length since Syria's longstanding nuclear program is not well known.

In the late 1980s and early 1990s, Syria began exploring its potential for indigenous nuclear resources. Upon completion of several uranium exploration projects, Syria began experiments to extract uranium from its vast phosphoric rock reserves. In 1986, the IAEA and AECS [Atomic Energy Commission of Syria] constructed a micro-plant at the General Phosphate Company Plant in Homs to study the process of uranium extraction from phosphoric acid. The plant would be the forerunner to a commercial plant if Syria obtained a nuclear power reactor and needed fresh fuel regularly. In 1996, Syria began developing a plant to recover uranium from tri-superphosphates using a similar technology. That facility came online in 2001.
In 1991, China started constructing Syria's first research reactor, a 30KW miniature neutron source reactor (MNSR) to be located at the **Der Al-Hadjar Nuclear Research Center** (http://www.nti.org/e_research/profiles/Syria/Nuclear/2074_2247.html) near Damascus. China provided Syria with approximately 980 grams of 89% enriched U235

to operate the reactor. That facility went critical in 1996 and become fully operational in 1998. The MNSR gives Syria the capability to produce neutrons for nuclear analysis, isotopes for industrial applications, and radioisotopes for training purposes, but is unsuitable for weapons production.....

In more recent years, Syria has continued to develop its nuclear research facilities and other facilities to help manage its nuclear material. The government has also entered into new cooperation agreements with several countries, most notably **Russia** (http://www.nti.org/e_research/profiles/Russia/index.html). In 1998, the intergovernmental Russia-Syrian Commission on Trade and Scientific and Technical Cooperation signed a memorandum of cooperation between Russia's Ministry of Atomic Energy and the (AECS). Part of this accord was an agreement to construct a nuclear research center that would include a 25MW research reactor **(http://www.nti.org/e_research/profiles/Syria/Nuclear/2074_2268.html)**.

Current Status

Syria's nuclear program remains in the fundamental stages of development, with virtually no fuel cycle facilities in operation. ...

In 2003, Russian and Syrian officials continued their negotiations for the construction of a nuclear facility that would include a nuclear power plant and a seawater atomic desalination plant. Open sources reported that the Russian Minister of Atomic Energy confirmed that discussions over supplying Syria with a power plant and a desalination plant were taking place. However, the Russian Foreign Ministry spokesman refuted the [Russian Ministry of Atomic Energy] (Minatom) statement and denied that any discussion had taken place. Consequently, Syria's quest for obtaining a nuclear power plant remains an unanswered question.....

In early 2007 Syria announced possible plans to pursue nuclear energy in order to meet increased energy consumption in the country. Syrian officials have stated that nuclear energy could provide a feasible energy alternative in light of concerns of oil depletion and a ten percent annual increase

> in electricity use.

It is not unreasonable to draw the inference that the Europeans and the Russians declined to cooperate with Syria on civilian nuclear energy projects because of US pressure.

During the Bush administration, US hostility toward Syria has been open and unrelenting.

In **testimony** (http://www.state.gov/t/us/rm/24135.htm) in 2003 concerning Syrian activities, John Bolton characterized Syria as a rogue state with clandestine nuclear weapons ambitions, gaming the IAEA and ready to exploit cooperation with Russia on civilian nuclear power for weapons-related purposes.

He also made it clear that the US demanded that Syria submit to the intrusive requirements of the Additional Protocol if it wished to remain under the IAEA umbrella.

> Without question, among rogue states, those most aggressively seeking to acquire or develop WMD and their means of delivery, and which are therefore threats to our national security, are Iran and North Korea, followed by Libya and Syria. It is also the case that these states are among those we identify as sponsors of terrorism. We aim not just to prevent the spread of WMD, but also to roll back and ultimately eliminate such weapons from the arsenals of rogue states and ensure that the terrorist groups they sponsor do not acquire weapons of mass destruction.
> As I informed Congress last fall, we are concerned about Syria's nuclear R&D program and continue to watch for any signs of nuclear weapons activity or foreign assistance that could facilitate a Syrian nuclear weapons capability. We are aware of Syrian efforts to acquire dual-use technologies, some, through the International Atomic Energy Agency (IAEA) Technical Cooperation program that could be applied to a nuclear weapons program. In addition, Russia and Syria have approved a draft program on cooperation on civil nuclear power. Broader access to Russian expertise could provide opportunities for Syria to expand its indigenous capabilities, should it decide to pursue nuclear weapons. The Syrians have a Chinese-supplied miniature research reactor under IAEA safeguards at Dayr Al Hajar.
> Syria is a party to the Non-Proliferation Treaty, and has a standard safeguards agreement with the IAEA but, like Iran, has not yet signed or, to our knowledge, even begun negotiations on the IAEA Additional Protocol. The Additional Protocol is an important tool that, if fully implemented, could strengthen the IAEA's investigative powers to verify compliance with NPT safeguards obligations and provides the IAEA with the ability to act quickly on any indicators of undeclared nuclear materials, facilities and activities. We believe the Additional Protocol should be a new minimal standard for countries to demonstrate their nonproliferation bona fides.

Bolton concluded:

> In Syria we see expanding WMD capabilities and continued state sponsorship of terrorism. As the President has said, we cannot allow the world's most dangerous weapons to fall into the hands of the world's most dangerous regimes, and will work tirelessly to ensure this is not the case for Syria.

History will judge if the alleged Syrian nuclear project is vindication of John Bolton's prescience or a classic example of a self-fulfilling prophecy.

"Ambassador Ali Salehi of the Islamic Republic of Iran and the Director General of the IAEA Dr. Mohammed ElBaradei signing the Additional Protocol to Iran's Treaty on the Non-Proliferation of Nuclear Weapons (NPT) safeguards agreement, which grants the Agency's inspectors greater authority in verifying the country's nuclear programme. (IAEA Vienna, December 18, 2003)" Dean Calma/IAEA

With Europe and Russia foreclosed, it is not surprising that Syria might turn to the only nuclear supplier desperate enough for cash to defy the United States—North Korea, with its obsolete Magnox reactors based on 1950s British technology—and apparently take a turn toward jeopardy in its standing under the NPT.

How serious this jeopardy would be is open to debate.

Syria is a signatory to the Non-Proliferation Treaty and therefore has accepted the obligation to allow the International Atomic Energy Agency to monitor its nuclear material.

Beyond the general principle of "safeguarding", as the process is known, there are devilish details that are not publicly known and form the content of a series of bilateral agreements—"subsidiary arrangements", in the vernacular—between the IAEA and member states.

Although Syria had refused to conclude the more onerous and explicit Additional Protocol with the IAEA, and the safeguarding agreement and subsidiary arrangements between Syria and the IAEA remain confidential, the IAEA has stated adamantly and categorically that Syria had the obligation to report the planning and construction of a new reactor when it happened, and not wait until the facility was about to receive nuclear fuel.

Noted nuclear weapons policy expert David Albright **compared** (http://www.isis-online.org/publications/syria/SyriaUpdate25October2007.pdf) the Iranian and Syrian cases, and in the process made the interesting observation that not declaring a facility before it was ready to receive nuclear fuel might very well be a venial rather than mortal sin in the eyes of the arms control fraternity:

> **There is reportedly debate now among those familiar with safeguards implementation over how serious a violation this amounts to, in the absence of nuclear material being present at**

> **the site.** Iran informed the IAEA in April 2007 that it will not notify the Agency of work on new facilities until six months before nuclear material is to be introduced, thereby reverting to an outdated, 1976 safeguards protocol. There is no public record of Syria similarly amending its safeguards obligations. Further, the IAEA noted in the case of Iran that such obligations cannot be amended unilaterally.

Albright's comparison of the Syrian and Iranian cases is a telling one.

Iran's special NPT deal was at the bottom of what was undoubtedly one of the classic forehead-slapping moments at IAEA headquarters.

In 2002, when Iranian dissidents revealed the existence of the Natanz uranium enrichment plant and a heavy water facility at Arak, the Iranians nonchalantly responded that they were not in breach since they didn't have to tell the IAEA anything about them until six months before they were ready to fuel. This was true, under the generous 1976 Shah-era—and unrevised—comprehensive safeguarding agreement and subsidiary arrangements still in effect at the time.

Fortunately for ElBaradei's reputation, the IAEA had the last laugh when Iran—apparently confident that it had successfully covered its nuclear material tracks—permitted IAEA inspections.

According to the Director General's report of November 15, 2004, IAEA investigations revealed that Iran had secretly acquired small quantities of uranium hexafluoride (1000 kg), uranium tetrafluoride (400 kg), and uranium oxide (400 kg) in 1991 and uranium metal in 1993, as well as extracting 100 mg of plutonium from irradiated targets. Failure to declare this material was a violation of the most basic safeguarding agreement, including Iran's 1970s-vintage pact. Processing this undeclared material also tainted two undeclared pilot enrichment facilities—but not Natanz (which had not yet been fueled) or Arak.

The IAEA findings provided the basis for the declaration of "Iran's many failures and breaches of its obligations to comply with its NPT Safeguards Agreement," and the eventual decision in February 2006 taken by a divided Board of Governors under intense U.S. pressure to report the Iran problem to the UN Security Council.

Although the February 2006 action is often mis-reported as a "referral" (a formal IAEA call for action by the U.N. Security Council when a safeguarding agreement has been violated), the moderating influence of the IAEA is evident in calling its action a "report". One can imagine that ElBaradei, mindful that the US had swayed China and Russia to support a sanctions process in the UNSC, sent the dossier to the Council more in sorrow than in anger, and with the hope that there would be continued scope for IAEA-level diplomacy in the future.

Iran's desperate efforts over the last two years to return its dossier to the relatively safe haven of the IAEA have to date been fruitless.

Nevertheless, Natanz, Iran's key enrichment facility, is operating today, with Iran vociferously asserting its legality and apparently hoping that some deal with the IAEA will result in the legitimization of Iran's nuclear activity.

Quite possibly, the lesson that Syria extracted from Iran's ambiguous experience was that undeclared nuclear material should be avoided at all costs—but that a breach of reporting obligations concerning construction of a new facility without nuclear material was perhaps a

manageable transgression that could avoid the dreaded Security Council referral and perhaps even remain safely buttoned up inside the IAEA.

Were the Syrians looking at a possible post ElBaradei future dominated by an international non-proliferation regime under US control, intent on employing the IAEA to deny Syria's nuclear ambitions, infringe its sovereignty, and consign it to permanent pariah status? And did the Syrian government therefore decide to recklessly roll the dice and embark on a clandestine reactor program with North Korean assistance before growing US influence foreclosed Syria's nuclear future forever?

Since Syria is steadfastly denying that it built a reactor, we may never know the answer.

But one possibility is that Syria desired to build a small facility—in secret, since the US could be expected to interdict any nuclear-related shipments from North Korea—announce its existence as it neared completion, and negotiate with the IAEA for its fueling and inclusion under the safeguarding agreement, thereby acquiring a valuable bargaining chip and source of prestige, power, and leverage in the Middle East.

Certainly, the valuable evidence concerning Syrian intentions that could have been gained by reporting the existence of the facility and allowing the IAEA to inspect it, raises the question of why Israel took the highly provocative step of bombing al Kibar in September 2007 instead of making its concerns public.

Even if the facility started up in 2007—and nobody seems to be saying yet they had the fuel to start it up—Syria would have been at least a year away from getting barely enough plutonium for a bomb, even if they had the facilities for extracting it from the fuel rods (which they don't) or the equipment and technology to construct a nuclear device (which they don't).

As for the specter of radioactive debris if the IDF bombed the reactor after it was fueled, Global Security **reported** (http://www.globalsecurity.org/wmd/world/dprk/yongbyon.htm) that the U.S. had all kinds of plans for bombing Yongbyon back in 1994 with minimized radioactive release and the Israelis can undoubtedly pancake a structure with the best of them.

There is another scenario that might explain why Israel took the precipitous step of bombing al Kibar instead of giving the IAEA an initial crack at it.

Yes, they bombed al Kibar because the facility might be ready to come on line.

But not because of an imminent nuclear weapons threat.

No, it could be argued that the most plausible reason the Israelis had to destroy the reactor last year was because they didn't want the diplomatic headache of having to launch an attack after Syria went public and was involved in negotiations with ElBaradei and the IAEA.

Israel's current geopolitical stance—and its claim on unquestioning US support—relies on its assertion that Israel faces existential nuclear threats from Iran and other nations that can only be pre-empted and not negotiated with by the IAEA.

For the purposes of this policy, the destruction of an undeclared, menacing nuclear structure pays many more dividends than allowing its existence to be declared, explained, and defended, repeating the excruciating boxstep of intimidation, sanctions, threats of attack and IAEA negotiation that is currently going on with Iran.

In summary, Israel's attack on the reactor might be seen as a pre-emptive strike—against the IAEA.

It also offered Israel the chance to chip away at the prestige ElBaradei had garnered by being right on the absence of WMDs in 2001 Iraq, his Nobel Prize and the IAEA's effective stewardship of the North Korea effort.

By bombing al Kibar and leaking details of the raid via the United States, Israel added another perceived Middle East failure to IAEA's matched set of high profile flubs—missing Saddam's clandestine programs in the 1990s and Natanz and Arak in 2002 and preemptively weakened ElBaradei's case for management of the Iran dossier.

In any case, as the IAEA struggles to pick up the pieces in the aftermath of the al Kibar raid, two conclusions can be safely drawn:

Syria's nuclear future, civilian or military, has been indefinitely foreclosed.

And, in the years to come, the international non-proliferation regime will face threats to its very existence as it is torn between the United States' demand for more aggressive inspection and enforcement, and the growing desire of nuclear aspirants to distance themselves from a system that, contrary to the founding principles of the NPT and the IAEA, appears to support US hegemony while refusing to acknowledge their needs for power, security, and prestige.

As non-nuclear states look at the US refusal to scale back its nuclear arsenal, its efforts to legitimize the use of tactical nuclear weapons, and the contrasting fates of US allies India and Israel vs. Iran and Syria, it should come as no surprise if they come to regard the NPT as little more than a subsidiary venue in which the United States implements its unilateral nuclear policies.

The Acronym Institute's Rebecca Johnson outlined a highly plausible scenario in which non-nuclear weapons states with the incentive and economic and technical wherewithal to build a bomb abandon the NPT:

> In [the most pessimistic scenario], the nuclear possessors continue to rely on and value nuclear weapons, though some may continue to cut the size of their overgrown cold war arsenals. Iran continues to pursue uranium enrichment and Israel perhaps seeks legitimacy along the lines of the US-India nuclear deal. In that scenario, other states - starting probably in the Middle East, but no-one should discount significant political players like Brazil or Japan reassessing their policies as well - may conclude that being ignored among the majority of non-nuclear weapon states is no longer in their national interest. The NPT's high level of participation would undoubtedly act as a brake for some, but if a few states managed to withdraw without becoming politically isolated or incurring crippling penalties for their nuclear or defence industries, then it would not take long for the Treaty's credibility to erode beyond repair.

In 2004, when Brazil—not normally recognized as a nuclear proliferation bad actor—refused to allow the IAEA to inspect a centrifuge factory, CNN **recalled** (http://www.latinamericanstudies.org/brazil/nuclear-04.htm) a statement by Brazil's president, Luiz Inacio Lula da Silva, concerning the NPT that seems to speak for much of the non-nuclear world and may well serve as the epitaph of the non-proliferation movement:

> "Why should we be asked to use slingshots while others point their

> cannons at us? Brazil will only be respected when it is strong economically, technologically and militarily."

China Hand is the author of the Asian affairs website China Matters.

This article was written for Japan Focus and posted on May 9, 2008.

See China Hand's article "**US Sanctions Send Iran Into the Arms of Asia** (http://japanfocus.org/products/details/2719)"

and John McGlynn, "**The US Declaration of War on Iran** (http://japanfocus.org/products/details/2707)."

China Hand (/authors/view/9192)