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## Syria's Reactor: Can the IAEA Act Effectively?

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High on the agenda of the November 27-28 meeting of the International Atomic Energy Agency (IAEA) Board of Governors (BOG) will be the November 19 report from Director General Mohammed ElBaradei about Syria. How the IAEA responds to the Syrian challenge may determine whether future urgent proliferation concerns are taken to the IAEA and UN Security Council or resolved through military force, such as Israel's airstrike last year on Syria's Dayr al-Zor site.

### Background

On September 6, 2007, Israeli warplanes bombed a site at al-Kibar near Dayr al-Zor (referred to as Dair Alzour in the IAEA report) in northeastern Syria. Days later, Syria demolished the remaining portions of the damaged facility, bulldozed the site, and erected a new building atop the buried rubble. On April 24, 2008, senior U.S. intelligence officials briefed Congress and the press about the Dayr al-Zor site, saying that the United States had "detailed information showing that the al Kibar facility was a nuclear reactor."

Following the briefing, Syria granted IAEA inspectors access to Dayr al-Zor (but denied them access to three other sites), where they took environmental samples on June 23, 2008. After the visit, Syria suspended cooperation with the IAEA, saying it was awaiting the results of the samples. Despite all that Damascus had done to scrub the site, IAEA soil samples revealed "a significant number of natural uranium particles" that were "anthropogenic," that is, produced by human action rather than being already present in the environment.

Since then, Syria has refused to respond to IAEA requests for additional information. In its defense, Syria told the IAEA that particles found at the site "were contained in the missiles that were dropped from the Israeli planes onto the buildings." These claims have been widely dismissed, however, as no country is known to have ever used natural uranium in a bomb or a missile.

### The IAEA and Syria

Syria's safeguards agreement with the IAEA requires notification to the agency in advance of construction of any nuclear facility, regardless of the presence of nuclear material. So, if indeed Syria was building a reactor, it would have violated its IAEA obligations. Not surprisingly, Syria has claimed that the site was not a reactor, but Damascus has not made much of a case on its own behalf. As the IAEA report notes, "Syria has not yet acceded to the Agency's request to provide any documentation relevant to the destroyed building, or any of the other buildings, to support its statements." Damascus also said that the site could not have been a reactor because of "the unreliable and insufficient electricity supplies [and] the unavailability of large quantities of treated water." Yet, according to the IAEA report, the water "pumping capacity is adequate for a reactor of the size referred to" and the site had "sufficient electrical capacity to operate the pumping system."

While the very construction of a reactor without notification violates Syria's international treaty obligations, evidence of nuclear material at the site significantly raises the level of concern. The natural uranium found by the IAEA is the type of fuel that would be fed into a reactor to produce plutonium, which after extraction in a

reprocessing facility, could fuel a nuclear bomb. At a minimum, the presence of the natural uranium particles suggests that fuel for the reactor may have been on site when the facility was bombed.

## **Violations of International Commitments**

The Bashar al-Asad regime's apparent violations of Syria's nuclear nonproliferation treaty commitments are only the latest in a series of broken agreements. In his eight years as president, al-Asad has established an impressive history of broken pledges to Washington. Two examples provide illustration:

In June 2001, then Secretary of State Colin Powell traveled to Damascus with the express goal of securing a Syrian commitment to end the smuggling of oil from Saddam Hussein's Iraq in contravention of the UN Oil for Food program. Powell hoped to close the Kirkuk-Banyas pipeline that supplied Damascus with 150,000 barrels per day of Iraqi crude and Saddam with hundreds of millions of dollars. According to Powell, al-Asad agreed to close the pipeline but reneged on this promise, and the pipeline remained open until 2003, when U.S. forces in Iraq closed the spigot. Secretary Powell again traveled to Damascus, in April 2003, this time to gain a Syrian commitment on terrorism. In an interview following his return, Powell relayed that " al-Asad said that he was taking action to close down these [Damascus-based Palestinian terrorist] offices, and that he would restrict their ability to communicate." Nevertheless, these offices continued to operate; five months later, in August 2003, a Palestinian Islamic Jihad suicide bomber killed twenty-three in Jerusalem.

The al-Asad regime's pattern of broken bilateral agreements with Washington -- and now, of international treaty obligations to the IAEA -- raises doubts about whether Syria can be trusted to implement the terms of a peace treaty with Israel. At a minimum, these experiences should inform Washington's policy should the next administration decide to actively mediate in Syrian-Israeli peace negotiations. Based on the al-Asad regime's record of keeping commitments, Washington cannot effectively guarantee Syrian treaty obligations to Israel. As such, within the context of any U.S.-brokered deal, Washington should ensure that tangible and irreversible Syrian concessions coincide with -- if not precede -- Israeli territorial withdrawals.

## **Judging the IAEA Meeting**

The November 19 IAEA report is the latest evidence of the superb technical capabilities of the IAEA staff. Regrettably, however, this work has at times been undercut by IAEA director general ElBaradei, who has a tendency to emphasize benign interpretations of ambiguous findings while ignoring mechanisms available for suspected proliferators to provide evidence to the contrary. The real shortcoming with the international law approach, however, has been the failure of will by the governments that sit on the IAEA BOG and the Security Council.

Next week's meeting will answer longstanding questions regarding the utility of the IAEA for resolving nuclear problems. If Syrian stonewalling continues, how will the IAEA proceed? Will the BOG recommend sanctions if the investigation yields derogatory conclusions or if Syria continues to put forth implausible explanations unsupported by evidence?

A serious response by the IAEA BOG would be to warn Syria that failure to resolve the outstanding issues on a timely basis would constitute a violation of Syria's obligations, which the IAEA would have to report to the Security Council for action by that body. At a minimum, the BOG should demand documentation of Syria's claims about the destroyed building and follow-up inspections of Dayr al-Zor and access to the three facilities to which Syria denied the IAEA. The unfortunate reality is that the IAEA/Security Council approach has, to date, not dealt effectively with several proliferation threats. In contrast, Israeli military action resulted in the complete destruction of the reactor site and evidently to an indefinite postponement if not abandonment of Syria's nuclear ambitions. Moreover, the Israeli action was tacitly accepted by the international community: no Arab country (other than Syria) and no European government complained about the Israeli raid. Even the Arab League statement was mild.

International reaction to Israel's al-Kibar strike stands in stark contrast to its 1981 raid on the Iraqi Osiraq reactor, which was nearly universally condemned. One way to understand the difference between 1981 and 2007 is that the world today is less optimistic that reliance on the IAEA can stop proliferation. The IAEA can change this perception by acting decisively on Syria during its next meeting. And in the process, it just might generate enough credibility regarding IAEA effectiveness to forestall an airstrike -- Israeli or American -- against Tehran's nuclear facilities.

Hovering in the background is Syria's tentative reopening of peace talks with Israel. The November 20 *Financial Times* nicely summed up the situation, describing these talks as "a get-out-of-jail-free card [when] Syria has not changed its regional behavior. [French president] Sarkozy, nonetheless, invited [Assad] to a summit in Paris. . . . The message this sends to the Middle East is disastrous."

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