

Review

The treaty on the non-proliferation of nuclear weapons and the challenges of nuclear capability projects in Iran and North-Korea

Nwanolue, B. O. G¹ and Iwuoha, Victor Chidubem^{2*}

¹Department of Political Science, Anambra State University, Igbariam Campus, Anambra State, Nigeria.

²Department of Political Science, University of Nigeria, Nsukka, Enugu State, Nigeria.

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One of the greatest challenges facing the world today is the overwhelming quest by some member nations to acquire, develop and possess nuclear capabilities with the intention of balancing power, fears and terror at the centre stage of world politics. Iran and North Korea have been in the fore front of arms race. Therefore, it is the task of this paper to examine the circumstances surrounding the development and possessions of nuclear weapons by Iran and North Korea. Hence, this paper seeks to link between the limitations of the non-proliferation treaty (NPT) and the level of nuclear capabilities achieved by the North Korea and Iran. Particularly, primary challenges such as non-compliance to the NPT in North Korea and Iran, are carefully examined. We adopted qualitative methods of data collection and analysis. We argue that Iran and North Korea have acquired and developed nuclear capability project with the aim of striking a power balance at the center stage of world politics. This major motive accounts for non-compliance of the NPT by the two nations. We therefore recommend that the United Nations should expand its check mechanism and intensify its effort, by marrying its words on nuclear non – proliferation with full actions.

Key words: Non-proliferation, international atomic energy agency, nuclear weapons, nuclear smuggling, terrorists, non-compliance, Middle East.

INTRODUCTION

The problem of nuclear weapons is likely one of the most pressing issues facing the world today (Jacobs, 2009: 36). However, the advancement of the non-proliferation treaty (NPT) is one primary strategy adopted by the United Nations that seeks to address this global challenge. The aim is to control the development and exchanges of nuclear weapons among nations. The most serious challenge facing the NPT today, however, is the burning quest to develop nuclear weapons by some member countries of the United Nations in blatant violation of its provisions and warnings.

Iran, for example, has engaged in a clandestine nuclear weapons programme for many years, in violation of its obligation as a State party. North Korea also violated its

NPT obligations for many years while a party to the treaty. The 1968, treaty on the non-proliferation of nuclear weapons (NPT) attempted to address the problem, but the number of countries possessing nuclear weapons has grown since the treaty went into effect.

Further, it should be noted for instance, that in 1946, in an effort to prevent a nuclear arms race with the Soviet Union and avoid the spread of nuclear weapons to other countries, the United States proposed that all materials usable for nuclear weapons be placed under international control. Ibrahim (2010: 21) argues that the Soviet Union, which was not yet a nuclear weapons state, rejected the proposal, known as the Baruch plan.

Fearing that growing interest in nuclear energy would lead nuclear technology to spread uncontrollably, the United States in 1953 launched the Atoms for Peace program. Under the program, the United States offered to share nuclear technology for peaceful purposes with

*Corresponding author. E-mail: tchydubevick@yahoo.com. Tel: +2348032687803.

friendly states. U.S. inspections would ensure that transferred items were not diverted for nuclear weapon programs. A new organization, the International Atomic Energy Agency (IAEA), was established in 1957 to take over the inspections. By this time, the Soviet Union had initiated a similar program for its allies, also relying on IAEA inspections.

During the 1960s, as concerns grew that nuclear weapons were continuing to proliferate and as the U.S.-Soviet nuclear arms race accelerated, negotiations began on a global treaty to halt the further spread of nuclear weapons. According to Palioskon (2008: 27), these negotiations resulted in the treaty on the non-proliferation of nuclear weapons (NPT). The treaty was opened for ratification in 1968 and entered into force in 1970.

The treaty establishes two classes of states: nuclear weapon states and non-nuclear weapon states. Nuclear weapon states are those that had conducted nuclear tests before January 1, 1967—the United States, Soviet Union (now Russia), Britain, France and China. All other countries are non-nuclear weapon states, for the purposes of the treaty. However, the non-proliferation treaty is facing a more basic challenge.

Some states, particularly in the Middle East, now believe that they need nuclear weapons to protect themselves against bullying or military intervention by more powerful states. Nuclear undisciplined states such as North Korea and Iran are near examples.

North Korea has not yet justified its development of nuclear arms as a “deterrent” against U.S. aggression. Iran, similarly, may be developing the option to manufacture nuclear weapons out of concern that, without them, it would be vulnerable to U.S. intervention. However, Cassandra (2010: 39) argues that the United States has attempted to address such concerns. In the case of North Korea, the United States has held discussions on a package of arrangements that might include a non-aggression agreement, diplomatic recognition, and economic assistance. The package would be provided in return for North Korea’s giving up its nuclear weapons program under strict verification. Also, in the case of Iran, the United States has emphasized that it seeks a diplomatic solution to limiting Iran’s uranium enrichment program. Iran has emphasized that its nuclear program is exclusively for peaceful purposes and appears reluctant to withdraw from the NPT. This is an indication that the norm of non-proliferation remains a powerful influence internationally.

In the light of the previous realities, the paper therefore examines the problems and limitations of the non-proliferation treaty vis-à-vis the level of nuclear capabilities achieved by the North Korea and Iran.

Accordingly, the paper has been structured as follows: Subsequently, the study takes a comprehensive look at the NPT, its limitations and problems. Then, it examines empirical record in North Korea and Iran. Thereafter, it takes an evaluation of the level of compliance and

challenges in North Korea and Iran. Afterwards, the conclusion follows. However, other incidental areas of interest are highlighted.

TERMS OF THE NON-PROLIFERATION TREATY

Under the non-proliferation treaty, the nuclear weapon states party to the agreement pledge not to transfer nuclear weapons or any other nuclear explosive devices (such as possible peaceful nuclear explosives for large-scale excavations) to any recipient or to assist, encourage, or induce any non-nuclear weapon state to manufacture nuclear weapons or any other nuclear explosive devices. Robinson (2010: 102) asserts that the nuclear weapon states are not required by the treaty to give nuclear weapons.

Non-nuclear weapon states party to the treaty pledge not to manufacture or receive nuclear weapons or any other nuclear explosive devices. To verify that they are complying with these pledges, the non-nuclear weapon states agree to accept IAEA inspections on all of their nuclear activities, an arrangement known as “full-scope safeguards.” All parties to the treaty are prohibited from exporting nuclear equipment or materials to non-nuclear weapon states unless the exported items will be placed under IAEA inspection in the recipient country.

Again, the treaty reaffirms the “inalienable right” of all parties to pursue the peaceful uses of nuclear energy consistent with the prohibition on the development of nuclear explosives and calls on all parties to facilitate the fullest possible sharing of nuclear technology for peaceful purposes. The treaty states that all parties shall undertake to pursue negotiations in good faith on effective measures relating to cessation of the (U.S.-Soviet) nuclear arms race and to achieve complete and general nuclear disarmament. Any party may withdraw from the treaty on three months’ notice if it decides that “extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country.”

In continuation, to persuade the nonnuclear states to agree to the treaty, the nuclear states indicated that they would not use nuclear weapons in an attack on a non-nuclear state unless the state was allied with a nuclear power. Morraque (2009: 17), views that this pledge was informal and not part of the treaty itself. Since then, Britain and the United States have stated that they might respond with a nuclear attack against a non-nuclear state that used chemical or biological weapons.

Limitations of the treaty

The treaty currently has five (5) nuclear weapon state members and one hundred and eighty-seven (187) non-nuclear weapon state members. India, Israel, and Pakistan

never joined the treaty, thereby reserving the legal right to develop nuclear weapons. North Korea became a party to the treaty in 1985 but renounced it in 2003, exercising its rights under the treaty's withdrawal provisions. North Korea's action highlighted one of the treaty's important limitations. The treaty's provision affirming the right of parties to pursue the peaceful uses of nuclear energy can also be exploited by states seeking nuclear weapons.

The provision has been interpreted as permitting states to operate nuclear reactors and the facilities needed to fuel them, including enrichment and reprocessing plants, provided they are all placed under IAEA inspection. This arrangement could permit a country to stockpile highly enriched uranium (used in some research reactors) or plutonium while under IAEA supervision and to then withdraw from the treaty on 90 days' notice. This would leave the country with the materials needed for nuclear weapons. Some countries have expressed concern that Iran and North Korea, non-nuclear weapon states party to the NPT, are constructing a uranium enrichment plant with this strategy in mind.

Problems and issues in non-proliferation efforts

Efforts to ensure the effectiveness of non-proliferation of nuclear weapons have been greeted with sophisticated intentions of some states, who are themselves, parties to the non-proliferation treaty of 1968, to jeopardize the very nitty-gritty of the NPT. Indeed, some countries of the world are today engaged in the proliferation of nuclear weapons as a result of certain inadequacies experienced by the NPT. They include:

1. **Nuclear smuggling:** Efforts to curb nuclear proliferation face a series of major new challenges. First, the nuclear smuggling network established by Abdul Qadeer Khan demonstrated that proliferation can be actively assisted not only by national governments, as in the past, but also by private, non-state persons and organizations that have access to key knowledge and equipment. In addition, Khan's network established machining shops in Malaysia and perhaps in other locations to manufacture key centrifuge components, making these activities extremely difficult to detect for foreign intelligence services, seeking to slow proliferation.

Lindalyne (2008: 56) posits that it is not known whether elements of Khan's network still survive and how many customers may have received copies of highly sensitive documents. These non-state actors are far less visible and can be far more difficult to influence other nations, which can be pressured diplomatically, or threatened militarily, to change their behaviour.

Equally, the IAEA is also encouraging non-proliferation treaty (NPT) non-nuclear weapon states to give the agency broader inspection authority under an additional

protocol to their basic inspection agreements with the agency. The new authority will give the agency the right to demand access to any site in a country where the agency believes activities related to nuclear weapons development may be taking place. This authority, if widely granted, could significantly restrict future nuclear smuggling networks.

2. **Secret activities:** A second challenge is the growing number of cases in which countries have pursued secret activities that violated the NPT and were not detected by the IAEA. In early 2002, for example, the international community first became aware that Iran was pursuing a major gas centrifuge uranium enrichment program, including a pilot enrichment facility, a gas centrifuge manufacturing plant, and early construction of a large-scale enrichment plant.

Shaita (2006: 28) maintains that in 2004, Libya's secret acquisition of uranium gas and of a portion of the equipment for a similar gas centrifuge facility was also revealed. Similarly, in the same year, South Korea's previous experiments with laser isotope enrichment came to light. All of these countries were parties to the NPT and were obligated to place all other nuclear materials under IAEA inspection. They were also required to disclose plans for the construction of new nuclear facilities to permit the agency to verify their design. None of these states, however, complied with these requirements. The IAEA was unaware of this situation, and so apparently were foreign intelligence services. The episodes raise serious questions about the effectiveness of key parts of the international nonproliferation system.

The widespread acceptance of enhanced IAEA inspections by NPT non-nuclear weapon states through the signing of additional protocols could go far toward addressing this challenge. Salin (2009: 26) holds that since the disclosure of its uranium enrichment program, Iran has permitted the IAEA to use the new inspection techniques. This has allowed the IAEA to uncover many new details about the previously secret program. Strict IAEA inspections in that country have been strongly supported by the agency's member states through the IAEA Board of Governors, an essential element of efforts to enforce IAEA rules, which may bolster the agency in future cases. In late 2004, as the result of information uncovered by IAEA inspectors and strong international pressure, Iran agreed to freeze its uranium enrichment program, under an agreement with the European Union (EU), negotiated by Britain, France, and Germany.

In February 2006, however, Iran announced that it was resuming its uranium enrichment program. In March of the same year, the United Nations Security Council issued a statement demanding that Iran cease its program. Later, Iranian president Mahmoud Ahmadinejad declared that by using a cascade of 164 linked gas centrifuges, Iran had succeeded in enriching uranium to about 3.5%, which is suitable only for use as nuclear reactor fuel (Clifford, 2010: 105).

The IAEA subsequently confirmed this achievement and said Iran was in violation of the Security Council's demand to cease uranium enrichment. Ahmadinejad also boasted that Iran had developed a more advanced type of gas centrifuge, known as the P-2, which is capable of enriching uranium much more quickly. The IAEA said Iran had refused to provide details about the program, which the IAEA needs to inspect effectively.

3. The terrorist threat: Among the most dangerous proliferation challenges is the threat that a terrorist organization might acquire a nuclear weapon or the highly enriched uranium or plutonium that would allow it to manufacture one. Given the unrestrained injury, some terrorist groups seek to inflict upon their enemies and their disregard for their own survival, it must be feared that a group, such as al-Qaeda, would use a nuclear weapon, causing catastrophic harm. Idris (2008:77) opines that preventing this outcome requires rapid completion of efforts to secure nuclear weapons and nuclear weapons materials worldwide, particularly in Russia, through cooperative threat reduction programs.

THE EMPIRICAL RECORD IN NORTH KOREA

The North Korean sanctions case also involves a nuclear program long suspected of having a military dimension. Yet, the Democratic People's Republic of Korea (DPRK) nuclear nightmare has already come with Pyongyang a nuclear test, exposing sanctions as insufficient. Ibrahim (2009: 93) argues that the DPRK might have violated the NPT before it quit the treaty in 2003. That possibility aside, however, once it walked away from the NPT, the DPRK was no longer bound by it. In this sense, Pyongyang is free to choose its nuclear path. Yet North Korea cannot be completely free as it is still bound by a 1992 bilateral commitment with South Korea in agreement not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons; to use nuclear energy solely for peaceful purposes; and not to possess facilities for nuclear reprocessing and uranium enrichment in this context. Pyongyang's subsequent processing of plutonium and nuclear testing have violated that Korean peninsula bilateral commitment. According to Shehu and Michael (2008: 79), in September, 2006, the Department of Macau-based Banco Delta Asia was believed to have assisted North Korea's financial transactions.

The U.S action certainly undercut Pyongyang's international financial capability, as it forced various countries and financial agencies to distance themselves from Banco Delta Asia to avoid collateral damage. When the United States lifted the sanctions two year later, Chinese banks were reluctant to serve as conduits for bringing the frozen assets back to the DPRK for fear of damaging their reputation. The sanctions affected North Korea financially.

Nevertheless, Pyongyang responded with a nuclear test in October 2006 to demonstrate that the U.S sanctions were not effective. The DPRK's nuclear weapons and missile development is welcome at the least and possibly destabilizing. All of their neighbors are NPT members with non-nuclear weapon member states committing not to acquire nuclear weapons and China, its main nuclear neighbor, committing not to transfer nuclear weapons to non-nuclear-weapons states.

North Korean nuclear weapons development upsets regional stability in Northeast Asia and could eventually harm Pyongyang's own peripheral security environment. Regional neighbors and the international community therefore swiftly responded to the DPRK's missile and nuclear test in 2006. Following the DPRK's July 5, 2006 missile test, the UN Security Council passed Resolution 1695 on July 15, of the same year, condemning Pyongyang's missile launch and initiating missile specific sanctions. Hence, Bruno (2007: 71) affirms that after Pyongyang's announcement of a nuclear test on October 9, 2006, the Security Council quickly passed Resolution 1718 on October 14, of the same year, condemning the DPRK's destructive action and launching nuclear specific and wider sanction.

A few other countries also put forward unilateral sanction against North Korea. For instance, Japan launched sanctions that denied port calls to North Korean ships and prevented Japanese ships from trading in open seas with DPRK ship. These punitive actions were imposed as the denuclearization negotiations known as the six-party talks continued. Since the October 2006 nuclear test, Pyongyang has moved to a fundamentally different stance on its nuclear weapons capability. Given the DPRK new bargaining chip and U.S overstretch in Afghanistan and Iraq, the United State forced to moderate its position in the six-party talks.

Despite this significant progress, North Korea failed to submit a complete and correct declaration of all its nuclear programs by December 31, 2007. Indeed, there is still a long way to go from nuclear disablement to nuclear dismantlement. Without the external pressure of sanctions, the DPRK would not likely have voluntarily disabled its nuclear weapons capacity. These sanctions have more grounds for legitimacy than those against Iran.

In the Iranian case, Tehran still claims to adhere to the NPT and vows not to develop nuclear weapons. Hence, Oluwafemi and Ogunjobi (2008: 68) posits that the IAEA inspections have concluded that the nature of the weaponization, collective sanctions are more warranted, and international legal and moral support is more easily gathered. On the second criterion, the stakes for sanction-imposing states, the complicated security environment in Northeast Asia means that Pyongyang's pursuit of nuclear weapons can hardly be accepted by any actors in the region.

China is deeply concerned that Pyongyang's proliferation would have domino effects, deteriorating the

regional security situation. South Korea and Japan may be pressured to follow suit, and the United States will be even more preoccupied with maintaining the regional balance of power. All of these actors therefore share common stakes in reversing the DPRK's nuclear status giving cohesive impetus to the six-party talks.

Further, this regional collaboration in Northeast Asia contrast with the case of nuclear proliferation in the Middle East. The threat of proliferation in each area is obviously very serious. Yet, international consensus on stemming Iran's nuclear development seems weaker than the consensus against the DPRK's program, as Iran has energy leverage and enjoys certain sympathy from some regional actors in Middle-Eastern and Muslim constituencies.

Equally, as relevant parties have their respective interest converging on disabling the DPRK's nuclear weapons program, the international effort to dissolve Pyongyang's nuclear ambition have secured considerable participation, sending an authoritative message to the hermit kingdom's leadership.

Accordingly, the six-party talks have brought three nuclear-weapon power and two major industrialized countries to the table to share resources for the disablement endeavor. Garmmigan (2010: 24) maintains that China's proactive role in hosting the talks, using its leverage and devising mutually acceptable compromises, has been instrumental in moving the initial discussions forward.

Finally, the adequacy of the sanctions' strength, the final criterion, matters. Resolution 1718 bars the DPRK's access to the international community in terms of nuclear and missile development, order countries to restrict Pyongyang's access to heavy conventional weapons as well as some luxuries its leadership may be interested in continuing to acquire.

COST OF NON-COMPLIANCE

Non-compliance threatens the treaty and the broader nuclear non-proliferation regime in multiple ways. First, it directly undermines the most important benefit the NPT bring assurances against the proliferation of nuclear weapons, and thus also against the emergence or resurgence of nuclear arms races and against the catastrophe of nuclear warfare. By under cutting these core non-proliferation assurances; non-proliferation, non-compliance imperils the peace and security of all nations. Secondly, non-compliance undermines the foundation of trust and safety upon which the benefits of international nuclear cooperation are necessarily built.

Klemaddom (2009: 34) emphasizes that without assurances that transfers of nuclear technology will occur within the framework of appropriate safeguards and as part of a system that helps ensure the employment of such technology for exclusively peaceful purposes, such

transfers would become more difficult, or even impossible, and mankind would increasingly lose the benefits that such technology can bring.

Again, non-compliance with the treaty's core of non-proliferation obligations undermines efforts to bring about universal adherence to the NPT. If the parties to the NPT did not respond to remedy non-compliance with the treaty's obligations, there would be both little purposes in seeking to bring non-parties into the treaty and little benefit in having them subject to its obligations if they did join.

In continuation, if the emergence of new nuclear weapons possessors cannot be stopped, new regional or global nuclear arms races are likely to develop and/or become entrenched, creation of the environment necessary for the total elimination of nuclear weapons would become ever more difficult and distant, and the risk of nuclear warfare would increase dramatically. Hence, Prattoneh, (2009: 45) asserts that non-proliferation compliance is thus the foundation for future progress on disarmament.

Accordingly, Article I of the non-proliferation treaty (NPT) requires that nuclear-weapons states parties should not transfer to any recipient whatsoever nuclear weapons or other nuclear explosive device, or control over such weapons or explosive devices. It also requires that they not in any way assist, encourage, or induce any non-nuclear-weapons State to manufacture or otherwise acquire nuclear-weapons or other nuclear explosive device, or control over such weapons or explosive devices (Sylvester and Germioh, 2009: 105).

Among other actions to fulfill these obligations, the nuclear-weapon State should establish and implement comprehensive and effective export controls, and should always consider whether a particular technology transfer or activity would further a non-nuclear weapons State party's ability to manufacture or acquire nuclear weapons.

Article II prohibits non-nuclear-weapons state parties from receiving from any transferor a nuclear weapon or other nuclear explosive device, or control over such weapons or explosive devices, directly or indirectly. It also prohibits non-nuclear weapons State parties from manufacturing or otherwise acquiring nuclear weapons or other nuclear explosive devices, directly or indirectly. It also prohibits non-nuclear weapons state parties from manufacturing or otherwise acquiring a nuclear weapon or other nuclear explosive device, and from seeking or receiving any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Further, to prevent the diversion of nuclear energy from peaceful uses to nuclear weapons, article III requires that each non- nuclear –weapon state party enters into a safeguards agreement with the International Atomic Energy Agency (IAEA) setting out the safeguards procedures to be applied to all source or special fissionable material in all peaceful nuclear activities. To

this effect, Akinlola (2008: 117) affirms that compliance with safeguards obligations therefore involves an agreement that is established between the non-nuclear weapons state party and the IAEA. It does not make determinations regarding compliance with the NPT. Such issues are for the states party to the treaty to determine because nuclear safeguards to help ensure that nuclear items and material are not diverted to improper uses. Hence, compliance with safeguards agreements is an essential part of fulfilling non-proliferation obligations under the NPT.

COMPLIANCE CHALLENGES IN NORTH KOREA

On 10 January, 2003, the Democratic People's Republic of Korea (North Korea) notified the United Nations Security Council of its decision to "revoke the suspension on the effectuation" of its 1993 withdrawal from non – proliferation treaty (NPT) and asserted that its withdrawal would be effective the next day. It had previously given 89 days advance notice to withdraw in 1993, before deciding to remain an NPT part. Prior to that date, North Korea had been secretly working to develop nuclear weapons for many years, notwithstanding its accession to the Treaty. North Korea's efforts to produce a nuclear weapon prior to its effective withdrawal constituted an undeniable violation of its NPT obligations, both of article II and article III. (Danladi, 2010: 91)

The Democratic People's Republic of Korea, conducted a nuclear detonation on 9 October, 2006, despite strong protests from the international community, which were expressed clearly in the 6 October, 2006 statement by the President of the United Nations Security Council. North Korea's provocative act resulted in the unanimous adoption of Security Council resolution 1718 (2006), which inter alia, condemned the detonation and demanded that North Korea return to the NPT and to IAEA safeguards and called upon it to return to the six-party talks.

Today, the facts of North Korea's violations of the NPT are evident. Prior to the 1994 agreed framework, and again after it lifted the freeze on its programmes in late 2002, North Korea pursued a programme to produce plutonium for use in nuclear weapons. North Korea is also suspected of pursuing a separate programme to produce highly enriched uranium, and at one point even admitted this to the United States.

Kufor (2007: 11) claims that the Democratic People's Republic of Korea was in violation of its safeguards agreement and also NPT article III from at least 1993, when the IAEA Board of Governors found it to be in non-compliance with its safeguards agreement. The actions of the Democratic People's Republic of Korea in December, 2002 in removing IAEA seals and cameras, and in expelling inspectors, also constituted a violation of article III.

Also, as the IAEA Director General noted in this introductory statement to the February, 2003 IAEA Board of Governors meeting, North Korea "displayed complete disregard for its obligation under the safeguards agreement by cutting all seals and impeding the function of surveillance cameras that were on its nuclear facilities". In short, North Korea was in "chronic non-compliance" with its safeguards agreement and article III of the NPT after 1993. Hence, North Korea violated its NPT article II obligations as well.

In the February, 2007 agreement, the Democratic People's Republic of Korea committed to shut down and seal the Yongbyon nuclear facility, for the purpose of its eventual abandonment, and to invite IAEA personnel to return to the Democratic people's Republic of Korea to conduct all necessary monitoring and verification activities as agreed between the IAEA and the Democratic people's Republic of Korea. In the February, 2007 agreement, Democratic People's Republic of Korea deeply committed to provide in the next phase a complete declaration of all nuclear programme, and to disable all its existing nuclear facilities, including graphite-moderated reactors and its reprocessing plant.

Nevertheless, the parties, which included the United States of America, Russia, China, France, the Great Britain and Democratic Republic of Korea, also agreed to cooperate in economic, energy, and humanitarian assistance to the Democratic People's Republic of Korea. Further, the Democratic People's Republic of Korea and the United States agreed to start bilateral talks aimed at resolving pending bilateral issues and moving toward full diplomatic relations. The parties reaffirmed that they will take positive steps to increase mutual trust, and will make joint efforts for lasting peace and stability in North-east Asia. The initial actions agreement provides that directly related parties will also negotiate a permanent peace regime on Korea Peninsula in an appropriate separate forum. The parties agreed to take coordinated steps to implement the joint statement in a phased manner in line with the principle of "action for action". Much work still lies ahead in implementing its terms, but this agreement holds out the possibility of resolving the Democratic People's Republic of Korea's non-compliance with nuclear non-proliferation norms.

COMPLIANCE CHALLENGES IN IRAN

Unfortunately, however, North Korea is not the only country to have violated article II and III of the NPT and its safeguard agreement with the IAEA. Iran also has violated these obligations, and has yet to abandon its pursuit of the capability to produce fissile material for the nuclear weapons. Because Iran remains in State party to the NPT without having conformed its conduct to the treaty's rules, in some respects it presents an even greater challenge to the non-proliferation regime.

Iran violated its article III safeguard obligations by pursuing a secret programme involving the undeclared procurement and use of nuclear material for two decades, while aiming to acquire the most sensitive element of the nuclear fuel cycle. Such activities; have included: unsafeguarded enrichment activities; unsafeguarded plutonium separation activities; the import of undeclared uranium compound; and diversion of nuclear material from safeguarded locations and uses (Okokon, 2010: 23).

For several years, IAEA inspectoral have sought repeatedly to resolve outstanding questions about the nature and scope of Iran's activities, but have been met at every turn by Iranian lies, evasions, deceptions, and concealment. Again, Iran has impeded IAEA inspector activity, refused requests for critical information, orchestrated delays during which extensive efforts have been undertaken by Iranian authorities to conceal evidence of safeguards violations, and wrapped its activities in webs of falsehoods.

At every step, the most significant information the IAEA has learnt about Iran's safeguards violations has been confirmed only grudgingly by Iran, and only when it had become clear that hard evidence contradicted each excuse previously offered by the Iranian government. As a result of its breach of its safeguards obligations by the IAEA Board of Governors in November, 2003, Iran was again found in safeguards non-compliance by the Board in September 2005, and its non-compliance was reported to the United Nations Security Council in 2006 (Lenox, 2006: 18).

The reason for this 20-year campaign of deception lies in Iran's pursuit of nuclear weapons, in violation of article II of the NPT. The United States has been warning of Iran's nuclear weapons ambitions since 1993, and in 2004, first publicly concluded that Iran's longstanding activity constituted a violation of article II of the NPT.

In continuation, despite all of its effort to conceal its nuclear capabilities from IAEA inspectors, Iran has been discovered to possess documentation on the fabrication of uranium hemispheres- items for which there exists no plausible use except in nuclear weapons, and which it acquired from the same illicit proliferation network that supplied nuclear weapons designs to Libya's former clandestine programme to develop nuclear weapons in violation of the NPT.

The organizational interconnections between Iran's uranium conversion and enrichment work and military organizations suspicious test related to high explosives, and effort to design an apparently nuclear missile re-entry vehicle further support the position that Iran has been in violation of article II of the NPT for many years.

Again, after repeated diplomatic effort by the United Kingdom, France, and Germany were rebuffed by Iran, and abrogated the Paris Agreement that it signed with these three States, in November, 2004 - the three countries joined with the United States, Russia, and China,

in a new effort to offer Iran a diplomatic solution to the crisis its nuclear activities had created. Iran, however, has continued to spur the package of incentives offered it by these countries in June 2006, and has repeatedly refused to end its provocative and destabilizing nuclear activities.

Accordingly, on 31 July, 2006, the United Nations Security Council adopted resolution 1696, demanding that Iran verifiably suspend all enrichment –related and reprocessing activities, including research and development, by 31 August 2006, and notifying the United Nations. Clemmonah (2007: 48) asserts that on 31 August, 2006, the IAEA Director General submitted a report confirming that Iran had failed to comply with resolution 1696.

As a result of Iran's, continued defiance of the international community, on 23 December 2006, after three months of negotiations, the United Nations Security Council unanimously adopted resolution 1737, including a requirement that Iran suspend certain proliferation-sensitive nuclear activities, because of that country's refusal to undertake the measure required by the IAEA Board of Governors and its failure to comply with Security Council resolution 1696.

After Iran refused to comply with this further resolution, a new sanctions package was agreed by the United Nations Security Council, known as resolution 1747, on 24 March, 2007. Yusuf (2007: 31) maintains that Iran continues to defy the United Nations Security Council and violate its obligations under these resolutions, as well as under the NPT.

CONCLUSION

The continued integrity of the NPT, and of the broader nuclear non- proliferation regime as a whole, requires that non-proliferation compliance challenges be quickly and effectively addressed. The integrity of the treaty and the regime also requires that this be done in a way that make clear to future would be violators that non-compliance likely will be detected, and that such detection will incur costs for them that will exceed the benefit they could expect to gain from their violations.

The Iranian and North Korean proliferation situation demonstrate the grave challenges to viability of the non-proliferation regime presented by non-compliance with the treaty's core of non-proliferation obligations. Okonkwo (2009: 15), suggests that it is important that State party to the NPT make it their highest priority during the current NPT review cycle to develop and implement improved ways to deter, detect, and reverse non-compliance with articles I, II or III of the treaty, or with safeguard agreement. Without effective collective action in this regard, the NPT's continued efficacy and viability will be called into question. Hence, the United Nations as a matter of unavoidable necessity should tighten up its

instrument of sanctions on non-proliferation treaty. This would ensure a concentrated compliance and concomitantly deter some intending countries wishing to engage in the enrichment of nuclear weapons.

Iran, North Korea, Libya, Syria, to mention but a few, have not been given a deserved treatment in line with their continued violation of international norms, declarations and resolutions. Accordingly, sever sanctions remains a workable framework for the achievement of compliance of the policy of non-proliferation both in the Middle East and elsewhere.

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