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The Plan for IAEA Safeguards

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Concerns of Member States

The IAEA's introduction of the Additional Protocol in 1997 and integrated safeguards in 2002 was supported by a consensus of all member states. As 2012 draws to a close, however, a number of states have raised questions and objections about how the IAEA will proceed with the state-level approach.

During a closed meeting of the board in June, Russia objected that the state-specific approach favored by the IAEA is discriminatory. Russia's concerns were shared by other states at the IAEA's annual general conference in September during the drafting of a resolution on safeguards. In this group were Iran and a few states, such as Cuba and Venezuela, that have supported Tehran in challenging the IAEA's ongoing investigation of Iran's nuclear activities.

The IAEA's intrusive probe of Iran's nuclear program does not follow from the implementation of the state-level approach—this investigation was expressly mandated by the IAEA board since 2003 and by the United Nations Security Council since 2006.

Nonetheless, Iran is the most high-profile example of how the IAEA is trying to develop a comprehensive picture of a country's entire nuclear program to determine whether all of its nuclear activities are peaceful. Iran opposes the state-level approach and urges the IAEA to return to past practice, when safeguards

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were based strictly on nuclear material accounting.

At the general conference, a number of states—principally Argentina, Brazil, Egypt, the Philippines, Russia, South Africa, and Switzerland—expressed a need for information about what the state-level approach means and how it will be implemented. Officials from some of these countries say that the relationship between integrated safeguards and the state-level approach is not clear, especially since the IAEA says it has already been implementing the state-level approach beginning a decade ago, about the same time it began implementing integrated safeguards.

Argentina and Brazil's hesitations appear prompted by concern that the IAEA will implement the state-level approach in states without an Additional Protocol. (The IAEA may also want to implement the approach in countries with agreements to safeguard only a limited amount of nuclear activities—such as India, Pakistan, and Israel—as well as in the five nuclear weapons states, which have made voluntary safeguards offers to the IAEA but where few or no safeguards have been applied by the IAEA until now.) Argentina and Brazil have not concluded an Additional Protocol and they oppose efforts by some states to require it. Because the Additional Protocol is voluntary, these two states may object if under the state-level approach the IAEA wants access to activities or information that are not required under their safeguards agreements but are required under the protocol.

The IAEA is now designing a state-specific safeguards blueprint according to the state-level approach for a number of countries. Officials from a few of these states, especially because the safeguards plans will be drafted by the IAEA and will be nonnegotiable for the states, want to know how the IAEA will go about defining and using so-called state-specific factors in making safeguards judgments about each country.

[Examples of state-specific factors](#), according to the IAEA, include a country's legal framework, its nuclear fuel cycle, and the “history of safeguards implementation for the state, and the nature of cooperation with the state.” A list of state-specific factors proposed by Australia includes the history of a state's acceptance of nonproliferation norms, the transparency and level of cooperation offered to the IAEA, and the rationale for specific nuclear activities. A few of these, it said, [might be difficult to fully quantify](#).

During an April 2012 meeting of state parties to the Nuclear Non-Proliferation Treaty, in preparation for a treaty review conference in 2015, a discussion of possible state-specific factors included ones that were clearly subjective. One European country proposed whether a country is a democracy as a factor. That proposal was dropped, but Russia requested that the IAEA provide a list of state-specific factors it intends to use.

More generally, negotiators in September said that many states agreed with Switzerland, which [urged the IAEA](#) to provide information “especially regarding the content of the objectives relating to the state-level approach, as well as the criteria that may be attached to them [and about] the practical framework within which information will be evaluated.”

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Putin and Safeguards

Russia's firm challenge to the state-level approach in the IAEA boardroom in June marked a dramatic reversal after steady support by Moscow for safeguards innovations at the IAEA since 1995. This follows President Vladimir Putin's toughening of foreign policy and the hard position seems ultimately aimed at the United States and its allies, not the IAEA. And at the general conference in September, Russia's stance was scripted from Putin's office.

Before that, on July 9, Putin gave a [speech to Russian ambassadors](#), urging them to more aggressively advocate Russia's interests, support "multipolar" diplomacy, and oppose "unilateral actions" by "some actors" on the international stage. "We cannot allow a repeat" in Syria of Russia's loss of influence in Libya, Putin warned, and he mentioned the crisis over Iran's nuclear program in the same breath as Russia's "imperative" to seek "collective effort with the emphasis on peaceful negotiations."

The IAEA's Iran probe factors greatly if indirectly in Russia's position on the future of safeguards. Last November, Amano provided the Board of Governors details from the IAEA's Iran country file, based in part on intelligence information submitted by some states, suggesting that Iran had carried out activities related to nuclear weapons. Russia objected that the IAEA's release of that information to the board (which in effect made the intelligence allegations public) severely set back efforts to solve the Iran crisis diplomatically and peacefully.

Based on these intelligence findings, the United States asserts that Iran aimed to develop nuclear weapons as recently as 2003. A few countries, on the basis of this data, believe that Iran's nuclear weapons work continues.

One week before the September IAEA board meeting, however, Russian Deputy Foreign Minister Sergei Ryabkov said that Moscow saw "no signs" of a nuclear weapons program in Iran. That may have implied that Russia shares the official U.S. view that Iran suspended weapons work in 2003 or instead that Russia has different criteria for identifying activities that would constitute a nuclear weapons program, but because Ryabkov did not qualify his remarks, his statement was widely interpreted as criticism directed at the IAEA's use of third-party intelligence allegations.

Russia's interaction with the IAEA on safeguards issues usually involves officials from three spheres—the foreign ministry, nuclear vendor firm Rosatom, and Russian agencies involved in processing and analyzing intelligence. Currently, Russia's intelligence agencies are heavily intervening in IAEA safeguards matters, and they fear the IAEA could become a tool of the United States and its allies, countries that have supplied nearly all of the intelligence pointing to military and nuclear weapons activities in Iran.

Russia was embarrassed by information showing that Vyacheslav Danilenko, a

former scientist in the Soviet nuclear weapons complex, had been implicated in helping Iran set up an apparatus that may have been used for nuclear weapons-related explosive tests. A still greater embarrassment for Moscow was the U.S. intelligence revelation in 2009 that Iran had secretly set up a uranium enrichment plant at Fordo. On the basis of its own information until then, Russia did not believe that Iran was concealing activities from the IAEA and Russia appeared to accept Tehran's assertions that it had nothing more to hide.

Russia worries about the intelligence superiority of the United States and its allies and that this could provide a justification for an attack on Iran by Israel or the United States. Russia certainly does not want Iran to obtain nuclear weapons, but it is unwilling to impose greater sanctions on Iran. And Russia would be put in the uncomfortable spot of having to take sides if there was an attack.

There is no consensus among analysts and diplomats about whether opportunism or concern for proliferation ultimately drive Moscow's policy on Iran's nuclear program. It's also possible that Russian leaders don't know themselves and are improvising.

Beyond Iran, Russia is concerned about a bigger picture. How can Moscow be sure that the United States won't provide the IAEA information alleging undeclared nuclear activities closer to home in the post-Soviet space, possibly in Belarus or Tajikistan? Ultimately, Putin and the intelligence officials he trusts see Western cooperation with the IAEA in a global context, where the United States and its allies are encircling and outsmarting Russia by setting up antiballistic missile defense systems, by developing and deploying advanced technology for cyber and drone warfare, and by gathering and processing intelligence data.

Looking Ahead

During the decade between the first Iraq Gulf War and the introduction of integrated safeguards in 2002, the IAEA was supported by its member states in making significant changes in its safeguards system to adapt to new challenges. Over the last ten years, that consensus has deteriorated.

The abuse of intelligence information by the United States in the run-up to the second Gulf War in 2003 touched off concern by a number of states that proliferation judgments may be based on subjective conclusions and insufficiently vetted third-party information. That concern has spilled over into questions about the state-level approach. Since taking office in 2009, Amano has tried to lift overall support for safeguards by responding to member states' demands for technical assistance in nuclear science and applications. But resistance remains.

When the IAEA reports to its board on the state-level approach in the coming months, it should clearly spell out what changes are forthcoming, explain their rationale, and be well prepared to demonstrate how safeguards will be implemented fairly, equitably, objectively, and in conformance to the IAEA's legal mandate.

If the IAEA is unprepared, states with little or no commitment to more effective safeguards could challenge the further evolution of the safeguards system by moving to create an open-ended committee of the board to indefinitely deliberate the matter. In 2005, at the urging of the United States, the board set up such a safeguards committee. For two years, it failed to reach consensus on important policy issues and resulted in a denial of support for some safeguards innovations favored by the IAEA.

An uneasy peace currently reigns between the IAEA and its member states over who makes safeguards policy. IAEA officials assert that the IAEA secretariat—not the membership—has the sole legal authority to decide on matters of safeguards implementation. In 2002, for example, the IAEA informed the board of its decision to begin implementing integrated safeguards; the board did not expressly approve that action. But during the general conference in September, Russia asserted that the Board of Governors should approve future changes.

If the IAEA does not prepare a convincing case, other board members may well embrace the Russian position. If that happens, they may effectively impede the evolution of safeguards, and by default obtain ultimate decisionmaking authority on how safeguards will be applied.

In part because of concern that changes the IAEA wants to make might lead to less quantifiable and more “subjective” verification judgments, it is inevitable and desirable that member states and the IAEA hold an open and transparent discussion about how the IAEA should move forward. The permanent members of the Security Council, which have a great deal of safeguards knowledge and power on the IAEA board, have a special responsibility in this regard.

Because Russia has taken the lead in raising objections to the state-level approach, the IAEA and Russia should try to resolve Russia’s concerns in advance of Amano’s report to the board in 2013. It is not clear why Russian leaders feel objecting to the evolution of IAEA safeguards serves Russian interests. It is more likely that Russia’s position is a reflex against a perceived challenge from the West.

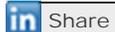
If so, the key to Russian support for further safeguards advancement may be in Washington and Western capitals, not Vienna. Moscow could hinder progress as long as the United States and its allies do not grasp that Russia feels increasingly challenged by a West supercharged with advanced weapons systems and intelligence capabilities, and as long as the United States and Russia do not take steps to resolve their conflicts in these areas.

The IAEA and governments supporting the further development of safeguards can expect—but should also work to prevent—Moscow serving as a willing lightning rod for other states that do not see nuclear proliferation as a major global threat.











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