

The Path towards Strengthened Safeguards: Experiences in Iraq, South Africa, and North Korea

This video series is a collection of dialogues centered on the immense role played by the IAEA, and in particular how the Agency supports nuclear nonproliferation through the practice of safeguards. This current update is a chronicle of events during the 1990s, Iraq, South Africa, and North Korea, that led to the development of the Additional Protocol.

7.24 Leading to Strengthened Safeguards, Part 2

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Rich: one of the difficulties in the probably least understood or misunderstood aspect of the safeguards business, are the nature of the safeguards conclusions, of the assurances that are attached to them. Certainly the situation in Iraq under the SC 687 was famously referred to in this house as “this isn’t safeguards, this is disarmament,” it had a tremendous impact because the board had historically taken the position that they should never receive and make use of 3rd party information that all states are not in a position to provide. Yet they accepted the 3rd party information in the context of Iraq because, “that’s not safeguards, that’s something else.” Well that changed with DPRK and we will come to some of those issues in later interviews.

But the level of assurance that associates itself with the conclusions, and as time went along, how that level of assurance became more comfortable, is probably worth speaking to.

Jacques: Yes, the challenge of safeguards today has been created a while ago, which is concluding at a state level that there is no undeclared activities and nuclear material. This is a tremendously forward compared to the traditional safeguards conclusion that was the non diversion of declared material. Even in the case of Iraq, in spite of these dream verification conditions there was always an uncertainty and although in March 2003, the team was fully convinced that every single word that the DG had expressed in the SC was right, these were conclusions that were based on extensive activities but not on a comprehensive knowledge of the whole country - every single square meter of the country, or every single import that could’ve gone through sanctions. It was the conviction that we were right, but it took me a few months after the Iraq survey team concluded that we were 100 percent right, that I might have misled the DG, and could have let him express technical conclusions that were not strong enough. It turns out that we were - I can brag a little bit - 100 percent right, including the reservations we had about what was left with question marks, such as missing documents and components of centrifuges, that were provided to the coalition by the head of the centrifuge program at the time.

So now back to safeguards conclusions in a normal safeguards mandate – the amount of information is less than what we ever had in Iraq, the access to the field is far more limited, although Complementary Access in the field is a powerful tool, it has to come through a very specific process before we reach somewhere. So there will always be a remaining challenge, a remaining uncertainty in a conclusion. In other words, and this is where the problem is for the Agency, a remaining risk with regard to its credibility. That is why we need to continue to put lots of effort into collecting more information, be it through development of tools that we already have in the legal basis. I put lots of hoping into

improvement of Annex 1 and 2 of the AP¹ for instance, collecting more information. Because states, when they have something relevant, will be eager to provide us on a voluntary basis. This is where a closer relation between the safeguards community and the export control community is needed. But again collection is not enough, it is making sure that we process that information, that we conduct the right analysis, through the injection of competence, through the appropriate dissemination. We put on our side the highest chances not to be contradicted. That's the mandate we've received now, to draw the broader conclusion. We have to draw something that covers a whole state, while we only know a very small fraction of information that could be relevant to drawing that conclusion. But that's our mandate.

Rich: But we know a lot more now than we used to.

Jacques: Absolutely, the progress that the dept has made since the Programme 93+2 in terms of understanding what needs to be done, what needs to be known, before we can start to conclude is certainly tremendous. But as in any risky area, and today nonproliferation is risky starting from the point that it is all the time in the headlines, we need to continue to make progress and build on the lessons learned of the case like Iraq. Although it is not a safeguards verification regime, I believe in all areas there are lessons learned that can be translated into a daily activity, not forgetting already the tremendous translation into real safeguards life that has been done through 93+2 and its result, the AP.

Laura: And one of the other aspects Iraq helped us deal with, is trying to carry out really good technical competent safeguards in the face of enormous political pressure, scrutiny, cameras, media, people who have all kinds of vested interest. And trying to stay the course, the technical course, including picking every single word that is put down in this report carefully because no matter what you write, it is always possible for somebody to misuse it or misinterpret it, accidentally or intentionally, so we've had to learn how to deal with that aspect of it as well.

Jacques: Actually on that line I can refer to a quote of Garry Dillon, who was the Director of the Action Team after Maurizio Zifferero and before me. When we went to the Council in 1997, Council members were all unhappy because our report was seen as a kind of concluding report on the past, turning the page, and the Council members did not want to set anything that would lead to possible lifting of sanctions. On the other side we had put all the questions and concerns in, so that the Council members who were pro sanction lifting were mad at us, "why didn't you close the file?" When we came out of the Council meeting where all Council members were mad at us, Garry Dillon said, "we must be right, because they are unhappy with us from totally opposite reasons."

And I think that is something which is specific with the challenge the Agency faces. We are here to report facts. We are here to make sure that what we report will not be contradicted. And the problem in life is that facts do not systematically serve any given political agenda. So it's our key responsibility - making sure that we tell the international community, what it is, what the reality is, and it's up to decision makers to draw the conclusions, but the worst that we could do would be to bend one direction or another, with a technical arm, and we have to stick to it.

¹ Annex I is the list of Activities referred to in the Model Additional Protocol's (INFCIRC/540) provision of information under Article II. Annex II is the list of specified equipment and non-nuclear material for the reporting of exports and imports according to Article II. <http://www.iaea.org/Publications/Documents/Infcircs/1997/infcirc540c.pdf>

Rich: It's no question that the events in Iraq convinced States of the need to strengthen the safeguards system, and the technical experience in Iraq was a primary guiding force in the design of strengthened safeguards, so it's really been great to hear about it from you Jacques.