

Iranian Governance and Compliance with International Nonproliferation Obligations

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Current and former Iranian officials have depicted a government deeply divided over diplomatic approaches regarding its nuclear program. For example, Seyed Hossein Mousavian, who was Iran's spokesman during the government's 2003-2005 negotiations with France, Germany, and the United Kingdom (collectively known as the "E3"), explained that in 2003 "there were two schools of thought in Iran. One group advocated engagement with the West, while others were proponents of resistance."²

Bureaucratic politics also appear to have manifested themselves in some of Iran's failures to comply with international obligations concerning its nuclear program - failures which had serious diplomatic ramifications. Iran's interactions with the International Atomic Energy Agency (IAEA) illustrate at least two aspects of Tehran's governance concerning its nuclear program. First, the government had given considerable autonomy to the Atomic Energy Organization of Iran (AEOI), the entity in charge of the program, which neglected to fulfill some of the country's responsibilities pursuant to its comprehensive IAEA safeguards agreement. Second, the government's several-year refusal to cooperate fully with the IAEA's investigation perhaps reflects limited control over Iran's Ministry of Defense.

The nuclear Nonproliferation Treaty (NPT) requires non-nuclear-weapon states-parties to the treaty to refrain from obtaining nuclear weapons. The treaty also obligates such states to conclude comprehensive safeguards agreements with the IAEA, which are designed to enable the IAEA to detect the diversion of nuclear material from declared facilities, as well as clandestine nuclear activities. Some states, such as Iraq and North Korea, have pursued national-level nuclear weapons programs in violation of their safeguards obligations. Others, such as South Korea, violated their safeguards agreements, but the nuclear activities which violated that agreement were not part of a nuclear weapons program. In Iran's case, the country had a nuclear weapons program and also violated its safeguards agreement. But Tehran's failures to comply with that agreement, as well as related UN Security Council resolutions - failures which have contributed to suspicions that Iran has been pursuing a nuclear weapons program - were, in part, probably the result of bureaucratic initiative and poor governance, rather than a national -level decision to pursue nuclear weapons.

This paper first briefly describes Iran's nuclear nonproliferation obligations and the government's failure to comply with them. It follows with a discussion of key Iranian bureaucratic actors and their role in Iranian compliance with its safeguards agreement and obligations pursuant to applicable UN

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² Ali Vaez, "Seyed Hossein Mousavian: The West is Pushing Iran in the Wrong Direction," *Bulletin of the Atomic Scientists*, November 18, 2011.

Security Council resolutions. The paper then discusses other IAEA safeguards noncompliance cases and concludes with a section regarding the implications of the Iranian case.

Iran's IAEA Obligations

Iran's nuclear program began in the 1950s; Tehran signed the NPT in 1970 and concluded a comprehensive safeguards agreement in 1974. Such agreements, which are bilateral obligations between the government and the agency, require a state to declare and place all of its nuclear material under IAEA safeguards, which include monitoring and inspections. The agency has the legal authority to determine the absence of undeclared nuclear activities, but, as a practical matter, the agency's ability to access nuclear facilities and obtain information about a state's nuclear program is limited to facilities that the government has declared to the IAEA.

An IAEA investigation which began in 2002 ultimately revealed that, beginning during the 1980s, Iran had conducted a number of undeclared activities related to uranium enrichment and plutonium production and separation; both of these processes can produce fissile material for nuclear weapons. Some of these activities violated Tehran's safeguards agreement. The IAEA Board of Governors in 2005 adopted a resolution finding Iran to be in noncompliance with that agreement. In February 2006, the IAEA Board of Governors referred Iran's case to the U.N. Security Council, which adopted in July 2006 the first of six resolutions which imposed several requirements on Iran's nuclear program. These resolutions' requirements have been superseded by Resolution 2231, which the council adopted in July 2015.

In 2003, the E3 first began multilateral efforts to induce Iranian adoption of various measures designed to demonstrate the nuclear program's exclusively peaceful nature. These countries were later joined by China, Russia, and the United States. Tehran continued its enrichment program and heavy-water reactor program (such reactors can produce plutonium well-suited for nuclear weapons). However, after these six governments, known as the "P5+1," negotiated with Iran over several years, the two sides reached agreement on a Joint Cooperative Plan of Action (JCPOA) in July 2015. This agreement imposed significant restrictions on Tehran's nuclear program and required the government to adopt several additional transparency measures concerning that program. Since implementing the JCPOA's nuclear provisions in January 2016, Iran has scaled back its enrichment program and dismantled the heavy-water reactor.

Iran's Nuclear Program and Bureaucracy

The AEOI, which the government established in 1974, operates Iran's declared nuclear program and has a variety of peaceful programs in areas such as agriculture, medicine, and basic nuclear research and development.³ According to the U.S. government, the AEOI "reports directly to the Iranian President"⁴ and is the "main Iranian organization responsible for research and development

³ Atomic Energy Organization of Iran, "Nuclear Industry in Iran: An Overview on Iran's Activities and Achievements in Nuclear Technology," 2012.

⁴ U.S. Department of the Treasury, "United States Increases Sanctions Against Iranian Proliferation Networks," December 13, 2012.

activities in the field of nuclear technology.”⁵ The AEOI has been an influential bureaucratic actor and Tehran’s main interlocutor with the IAEA.

Current and former Iranian officials have portrayed the AEOI as an ambitious entity with few constraints which received increased support and autonomy after Gholamreza Aghazadeh took over as the organization’s president in 1997. Aghazadeh’s ascension marked an acceleration of Iran’s enrichment program.⁶ In an interview published in 2012, Hassan Rouhani, who was elected President of Iran in 2013 and headed negotiations concerning the nuclear program with the E3 during 2003-2005, indicated that the AEOI had been anxious to quash skepticism of the organization’s ability to implement the nuclear program, explaining that

[t]here was always a debate as to whether [the AEOI] could finish the job that they had begun. Since we were taking a first step along the nuclear path, and did not have prior experience, the AEOI wanted to prove that it could finish the job.⁷

According to Rouhani, after Aghazadeh complained that “he could not do important work with the existing bureaucratic system,” the government in 1998 formed the Supreme Council for New Technologies, chaired by then-President Mohammad Khatami, which focused on the nuclear program.⁸ Beginning around 1999, Iran’s central government gave the AEOI “authorities that it did not have before,” Rouhani stated in a 2004 speech, explaining that

we gave the agency a freer hand with new credits and a more liberal spending procedure, new facilities, and special regulations. This allowed them to become more active, without being forced to go through bureaucratic and regulatory labyrinths.⁹

Prior to a June 2003 IAEA Board of Governors meeting, the AEOI was, according to Rouhani, “the authority that was basically handling all political and technical issues concerning this case.”¹⁰ Following that meeting, during which the board first expressed “concern” about Iran’s past undeclared nuclear activities and urged Tehran to cooperate with the IAEA investigation, Iran’s Supreme National Security Council (SNSC) created the Supreme Nuclear Committee, which was composed of officials from various agencies, including the AEOI and the ministries of defense, foreign affairs, and intelligence.¹¹ The Supreme Council on New Technologies “rarely met” after the June 2003 IAEA board meeting, according to Rouhani.¹² After the IAEA board adopted a resolution in September 2003 stating that “it is essential and urgent...that Iran remedy all failures identified by the Agency and cooperate fully with the Agency to ensure verification of compliance with Iran’s

⁵ U.S. Department of the Treasury, “Fact Sheet: E.O. 13382 Designations on Iran,” November 21, 2011.

⁶ *Ibid*, p.24; David Patrikarakos, *Nuclear Iran: The Birth of an Atomic State*, (New York: I.B. Tauris), 2012, pp.163-71.

⁷ Muhammad Sahimi, “Q &A: Former Iran Nuclear Negotiator: Bush Negotiation Bid Was Rebuffed,” PBS, May 12, 2012, <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2012/05/qa-former-iran-nuclear-negotiator-bush-negotiation-bid-was-rebuffed.html>.

⁸ Dr. Hasan Rouhani, *National Security and Nuclear Diplomacy*, (Tehran: Center for Strategic Research), 2011, pp.24-28.

⁹ “Beyond the Challenges Facing Iran and the IAEA Concerning the Nuclear Dossier,” Rahbord, September 30, 2005, pp. 7-38.

¹⁰ “Beyond the Challenges Facing Iran and the IAEA Concerning the Nuclear Dossier.”

¹¹ Rouhani 2011, pp.24-28.

¹² *Ibid*.

safeguards agreement,”¹³ the government placed Rouhani in charge of the negotiations concerning Iran’s nuclear program. Rouhani explained the resultant nuclear decision-making process:

Even though some people thought the nuclear team was operating with complete prerogatives, the facts were otherwise. The work procedure for every issue was that we first had to discuss the matter in the Supreme Nuclear Committee, then we took that result to the Meeting of Leaders, and finally we acted in accordance with the decision of the leaders.¹⁴

Safeguards Agreement Compliance

The AEOI failed to fulfill some of the country's responsibilities pursuant to its IAEA safeguards agreement by, for example, failing to report the importation and use of nuclear material in various experiments related to uranium enrichment and plutonium separation. The organization also interfered with the IAEA's investigation of those activities by, for example, concealing and failing to provide adequate information about these activities. Rouhani has implicitly attributed some of these compliance failures to organizational negligence. For example, he explained one instance of noncompliance - the AEOI's failure to notify the IAEA before testing centrifuges (used for uranium enrichment) with nuclear material - by arguing that the organization's officials did not know if the enrichment efforts would succeed. Moreover, the AEOI erroneously believed that this reporting failure "would be no problem," according to Rouhani.¹⁵

The organization also apparently kept poor records, at least in some cases. For example, a 2004 report describes the "the lack of records with regard to the amount of uranium" that Iran used for early-1990s uranium conversion experiments.¹⁶ Furthermore, Tehran told the IAEA that it had little documentation regarding foreign supplies of centrifuge documentation and components during the 1990s.¹⁷ Some of these failures may have happened because the AEOI simply did not pay adequate attention to its safeguards responsibilities in its haste for technical achievements. Mousavian argued that the AEOI had “failed to predict the emergence of the nuclear crisis because of ...[its] focus on straightforward technical matters.”¹⁸

Current and former Iranian officials have depicted the AEOI as acting without strong oversight. Rouhani argued that, prior to reducing the organization's role in nuclear diplomacy, Iranian officials “at higher levels knew little about the legal details” of Iran’s safeguards obligations.¹⁹ Iranian “high officials” also were ignorant of at least some of the AEOI undeclared nuclear activities, according to

¹³ *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, Resolution adopted by the Board, International Atomic Energy Agency, GOV/2003/69, September 12, 2003.

¹⁴ Rouhani 2011, p. 245.

¹⁵ *Ibid.*, p.27.

¹⁶ *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, Report by the Director General, GOV/2004/83, November 15, 2004.

¹⁷ *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, Report by the Director General, GOV/2005/67, September 2, 2005.

¹⁸ Seyed Hossein Mousavian, *The Iranian Nuclear Crisis: A Memoir* (Washington, DC: Carnegie Endowment for International Peace, 2012), pp. 70-71. Patrikarakos describes Aghazadeh's approach to the enrichment program as “aggressive” (Patrikarakos 2012, p.164).

¹⁹ Rouhani 2011, p. 31.

Rouhani, who cited a case where such officials were “astonished” by the IAEA’s discovery of undeclared enriched uranium in some Iranian nuclear facilities.²⁰ Similarly, Mousavian has written that “[n]either Dr. Rouhani, the head of Iran’s nuclear negotiation team, nor the members of the team were informed” by the AEOI about undeclared nuclear activities which the two officials first learned of from IAEA officials.²¹

Iranian officials have also asserted that the Foreign Ministry had not been able to control the AEOI’s actions. For example, Rouhani argued that the SNSC took charge of the diplomacy concerning the nuclear program because

the Foreign Ministry was not able to be responsible for this task in a good way because some organizations did not pay sufficient attention to this ministry’s decisions, especially since there had been disagreements for months between the Foreign Ministry and the Atomic Energy Organization.²²

In a 2005 article, an Iranian Foreign Ministry official explained that the decision to delegate responsibility for the nuclear issue to the SNSC was

aimed at creating domestic consensus and preventing any possible discrepancies in the decision making process and its implementation at the national level. It was demonstrated in practice that this decision was crucial in preventing the friction between the government, parliament and all other relevant agencies.²³

Nuclear Weapons Program

As noted, Iran’s safeguards violations roused suspicions that Tehran was pursuing a nuclear weapons program. But these violations may well have been the product of AEOI ambition and negligence, rather than a nuclear weapons program. To be sure, Iran had such a program until near the end of 2003, according to a 2007 U.S. National Intelligence Estimate (NIE), as well as subsequent statements from the U.S. intelligence community.²⁴ Tehran has since refrained from developing nuclear weapons and the government’s implementation of the 2015 JCPOA nuclear provisions indicates that Tehran will continue to refrain from developing nuclear weapons. An Iranian decision to develop nuclear weapons “would be made singly” by Iranian Supreme Leader Ayatollah Ali Khamene’i, Director of National Intelligence James Clapper stated in 2013.²⁵ Although Iran has continued to develop ballistic missiles which could potentially be used to deliver nuclear weapons, British Foreign and Commonwealth Office official Tobias Ellwood explained in a June 2015 statement to Parliament that Iranian missile development is not currently linked to the nuclear program.²⁶

²⁰ *Ibid.* p.35. The enriched uranium originated from imported centrifuge components.

²¹ Mousavian 2012, pp.123-24.

²² Rouhani 2011, p. 71.

²³ Hamid Baeidi-Nejad, “Khatami’s Nuclear Policy,” *Iranian Journal of International Affairs*, Vol. 18, No. 1 (Spring 2005), p. 61. The author is apparently a current Iranian Foreign Ministry official and a participant in Iran’s negotiations regarding its nuclear program.

²⁴ “Iran: Nuclear Intentions and Capabilities,” *National Intelligence Estimate*, November 2007. See, for example, *Statement for the Record, Worldwide Threat Assessment of the U.S. Intelligence Community*, February 26, 2015.

²⁵ “Hearing on Current and Future Worldwide Threats,” *Senate Committee on Armed Services*, April 18, 2013.

²⁶ Iran: Nuclear Weapons: Written Question-1860. Answered by Mr. Tobias Ellwood on June 16, 2015.

Beginning in the late 1980s, Iran's nuclear weapons program was coordinated by entities connected with Iran's Ministry of Defense.²⁷ An entity called the Amad Plan took over these activities several years later; the projects were "allegedly managed through the 'Orchid Office.'" ²⁸ After Iran ended the nuclear weapons program in 2003, an organization called the Organization of Defensive Innovation and Research (SPND) was established in 2011 by an individual who had "managed activities useful in the development of a nuclear explosive device" as part of the Amad Plan and associated entities.²⁹ According to a 2012 Israeli intelligence document, Iran established the SPND "for the purposes of preserving the technological ability and the joint organizational framework of Iranian scientists in the area of R&D in nuclear weapons, and for the purposes of retaining the skills of the scientists."³⁰ These activities were to "allow renewal of the activity necessary to produce weapons immediately when the Iranian leadership decides to do so."³¹ Nevertheless, the IAEA reported in December 2015 that, despite the SPND's establishment in 2011, the post-2003 activities "were not part of a coordinated effort" and the agency "has no credible indications of activities in Iran relevant to the development of a nuclear explosive device after 2009."³²

The AEOI had links with some entities which were apparently connected to the Amad Plan. For example, a company called Kimia Maadan "was a cover company for chemical engineering operations under the AMAD Plan while also being used to help with procurement for the [AEOI]."³³ The organization contracted with the same company to design and build a uranium ore processing plant at a site called Gchine.³⁴ Furthermore, Tehran's AEOI-run centrifuge program had connections to entities controlled by Iran's Ministry of Defence Armed Forces Logistics (MODAFL), which controlled the Amad Plan.³⁵ For example, Iran fabricated some components for its second-generation centrifuge in a workshop located on a site belonging to Iran's Defence Industries Organization, which was part of MODAFL.³⁶

²⁷ According to a November 2011 report from IAEA Director-General Yukiya Amano, "organizational structures and administrative arrangements for an undeclared nuclear programme were established and managed through the Physics Research Centre (PHRC), and were overseen, through a Scientific Committee, by the Defence Industries Education Research Institute (ERI), established to coordinate defence R&D for the Ministry of Defence Armed Forces Logistics (MODAFL)." (*Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions in the Islamic Republic of Iran*, GOV/2011/65, November 8, 2011.)

²⁸ *Ibid.*

²⁹ "Additional Sanctions Imposed by the Department of State Targeting Iranian Proliferators," August 29, 2014.

³⁰ Report 9342, Iran/Nuclear/Program Status, October 22, 2012. Available at <http://www.aljazeera.com/news/2015/02/leaks-netanyahu-misled-iran-nuclear-programme-guardian-iran-nuclear-speech-2012-150218165622065.html>.

³¹ *Ibid.*

³² *Final Assessment on Past and Present Outstanding Issues Regarding Iran's Nuclear Programme*, GOV/2015/68, December 2, 2015.

³³ GOV/2011/65.

³⁴ *Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions 1737 (2006) and 1747(2007) in the Islamic Republic of Iran, Report by the Director General*, GOV/2008/4, February 22, 2008.

³⁵ GOV/2011/65.

³⁶ U.S. Department of the Treasury, "Treasury Designates Iranian Proliferation Network and Identifies New Aliases," April 7, 2009; *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran, Report by the Director General*, GOV/2004/34, June 1, 2004.

Nevertheless, there are several indications that the AEOI's illicit nuclear activities were not necessarily part of the nuclear weapons program.³⁷ First, the 2007 NIE appeared to exclude the AEOI-run enrichment program. Explaining that the U.S. intelligence community defined the weapons activities as “nuclear weapon design and weaponization work and covert uranium conversion-related and uranium enrichment-related work,” the estimate added that “Iran’s declared civil work related to uranium conversion and enrichment” was not part of the weapons program.³⁸ Moreover, a November 2011 IAEA description of the suspected past nuclear weapons program’s management structure omits the AEOI.³⁹ Lastly, September 2009 U.S. intelligence community talking points regarding Iran’s underground enrichment facility at Fordow, the existence of which was made public by France, the United Kingdom, and the United States in September 2009, state that the plant’s existence did “not contradict” the 2007 NIE’s conclusions regarding Iran’s nuclear weapons program.⁴⁰ One reason for this assessment, the talking points suggest, was that the Fordow facility was developed by the AEOI.

Iran’s Ministry of Defense and Security Council Resolution Compliance

According to some Iranian officials, resistance from Iran’s Ministry of Defense may have contributed to Iran’s refusal until 2015 to allow IAEA inspectors access to a portion of Parchin, which is an Iranian military site at which Iran, the agency suspected, may have carried out research related to nuclear weapons development. This suspected research was one of several alleged such projects that the IAEA investigated until a December 2015 IAEA Board of Governors resolution essentially declared the matter resolved.⁴¹ Security Council Resolution 1696 and subsequent resolutions supplemented Iran’s safeguards obligations by requiring Iran to cooperate with the agency’s investigation of the alleged nuclear weapons-related research. The IAEA visited an area of Parchin twice in 2005, but the agency subsequently argued for several years that it needed to inspect another location on the site where Iran may have conducted the suspected experiments. IAEA inspectors visited that location in September 2015.⁴² Despite the 2003 halt to Iran’s nuclear weapons program, Tehran’s refusal to cooperate with resolving these outstanding issues contributed to some observers’ suspicions that Iran intended to produce nuclear weapons in the future.

Iranian officials have implied that the government’s refusal to allow IAEA inspectors post-2005 access to Parchin was due to Defense Ministry resistance. Fereydoun Abbasi-Davani, then-AEOI President, indicated in 2012 that allowing inspectors to the site was the Iranian military’s decision.⁴³

³⁷ This paragraph draws on Paul Kerr, “The Atomic Energy Organization of Iran: What Role?,” *Arms Control Today*, October 2014.

³⁸ “Iran: Nuclear Intentions and Capabilities,” November 2007.

³⁹ GOV/2011/65.

⁴⁰ “Q&A on the Qom Enrichment Facility,” September 25, 2009, http://www.politico.com/static/PPM41_qom_-_q-as.html.

⁴¹ *Joint Comprehensive Plan of Action Implementation and Verification and Monitoring in the Islamic Republic of Iran in Light of United Nations Security Council Resolution 2231 (2015)*, Resolution Adopted by the Board of Governors, GOV/2015/72, December 15, 2015.

⁴² *Final Assessment on Past and Present Outstanding Issues Regarding Iran’s Nuclear Programme*, GOV/2015/68, December 2, 2015.

⁴³ “Iran: Military Decides if IAEA Can Visit Parchin,” *Reuters*, February 29, 2012.

Iran's Permanent Mission to the IAEA stated in March 2012 that allowing access to Parchin would be "a time consuming process and cannot be permitted repeatedly."⁴⁴ Rouhani described a contentious internal debate regarding access to Parchin:

In the area of Agency inspections and especially the inspections of military centers such as Parchin, this was debated for months inside the country and this issue was therefore raised in various meetings over the circumstances in which these inspections would take place. There was serious opposition to the Agency's request to inspect Parchin; the nation's domestic political climate was vigorously opposed to inspectors inspecting Parchin and military centers in general.⁴⁵

Despite the SNSC's decision-making authority described above, this bureaucratic opposition was influential, according to Rouhani, who explained that "the nuclear team had to coordinate with all officials point by point for every small task!"⁴⁶

The military may have wished to avoid both the intrusiveness of international inspections, as Rouhani implied, and also shouldering the blame for past nuclear weapons-related work. Certainly, Iran could have had other reasons for withholding cooperation. For example, the government may have viewed this lack of cooperation as a source of negotiating leverage with the P5 +1. Moreover, the central government may have been unwilling to spend the necessary political capital to compel the military to cooperate before concluding a suitable nuclear agreement with those governments. In any case, the military's resistance appears to have been an important factor in Tehran's decision-making regarding this issue.

Conclusion and Implications

Iran is not the first country to have experienced the ramifications of bureaucratic freelancing. In 2004, the IAEA reported that South Korea had conducted experiments related to uranium enrichment and plutonium separation that had violated Seoul's comprehensive IAEA safeguards agreement.⁴⁷ However, a 2015 U.S. government assessment strongly implied that negligence on the part of the Korea Atomic Energy Research Institute, rather than a decision to pursue a nuclear weapons program, was responsible for these compliance failures.⁴⁸ Switzerland provides another example. During the 1950s and 1960s, the government considered developing nuclear weapons, but ultimately signed the NPT in 1968. One reason for this decision, according to one official account,

⁴⁴ *Explanatory Note by the Permanent Mission of the Islamic Republic of Iran to the IAEA on the report of the Director General on the Implementation of Safeguards in the Islamic Republic of Iran* (GOV/2012/9 dated 24 February 2012), March 8, 2012.

⁴⁵ Rouhani 2011, p.244.

⁴⁶ *Ibid.*, p.245.

⁴⁷ Implementation of the NPT Safeguards Agreement in the Republic of Korea, Report by the Director General, GOV/2004/84, November 11, 2004.

⁴⁸ *Nuclear Proliferation Assessment Statement Pursuant to Section 123 a. of the Atomic Energy Act of 1954, as amended, with Respect to the Proposed Agreement for Cooperation Between the United States of America and the Government of the Republic of Korea Concerning Peaceful Uses of Nuclear Energy*. Transmitted to Congress on June 11, 2011. For its part, the South Korean government claimed that "the government was not aware of, and did not authorise, these experiments," according to Pierre Goldschmidt, who was head of the IAEA Department of Safeguards when the IAEA was considering the South Korean noncompliance case (Pierre Goldschmidt, "Exposing Nuclear Non-compliance," *Survival*, vol. 51 no. 1, February–March 2009, p.152).

was the diminished credibility of the nuclear weapons proponents, who came from the country's military and scientific establishment, following a 1964 military aircraft procurement scandal.⁴⁹

Compliance with IAEA safeguards agreements is a national obligation for states party to such agreements. Moreover, comprehensive safeguards agreements require states to maintain a state system of accounting for and control of nuclear material (SSAC), which the IAEA defines as “organizational arrangements at the national level which may have both a national objective to account for and control nuclear material in the State and an international objective to provide the basis for the application of IAEA safeguards.”⁵⁰ The SSAC is the governmental entity which provides the agency with information about the state's nuclear program, including nuclear material inventories, details of nuclear facilities, and changes to those facilities. Laura Rockwood, former Section Head for Non-Proliferation and Policy Making in the IAEA Office of Legal Affairs, explained in 2006 that agency inspectors compare information from on-site inspections and other sources and “compare it against the records that the State is required to keep.”⁵¹

The bureaucratic issues described in this paper pose a challenge to the nonproliferation regime, as well as national governments and other observers attempting to assess whether nuclear programs are exclusively for peaceful purposes. Compliance with IAEA safeguards agreements and UN Security Council resolutions are proxy measures for a state's compliance with its NPT obligations to refrain from obtaining nuclear weapons. But such measures are imperfect; even in states without nuclear weapons programs, such as South Korea, bureaucratic politics and incompetence can clearly produce noncompliance with nonproliferation obligations. Iran provides an even more complicated case because Tehran had a nuclear weapons program, but at least some of its undeclared nuclear activities may well not have been part of that program.

In the future, both the IAEA and international community may again need to determine whether a state's noncompliance with nonproliferation obligations actually indicates a nuclear weapons program. Certainly, bureaucratic infighting or incompetence do not excuse noncompliance. According to Rockwood, if a state's nuclear operator

isn't providing the correct information and the State is reporting incorrect information it's the State's responsibility. The operator isn't party to...[the NPT], it's the State itself. And the State is required to do whatever it needs to do to ensure that any person ...carries out the activities.⁵²

To encourage safeguards compliance, the international community may wish to continue or supplement emphasizing the importance of such compliance to central governments, providing capacity-building assistance to SSACs, and encouraging noncompliant states to take corrective actions. In the meantime, national governments and other observers may wish to continue taking

⁴⁹ Jurg Stussi-Lauterberg, *Historical Outline on the Question of Swiss Nuclear Armament*, U.S. Department of State, December 31, 1995.

⁵⁰ 2001 IAEA Safeguards Glossary.

⁵¹ Pacific Northwest National Laboratory's Center for Global Security, Foundations of International Safeguards: Safeguards in the Nuclear Age, Transcript of Interview with Laura Rockwood, June 26, 2006 [http://cgs.pnnl.gov/fois/doclib/RockwoodTranscript\(153\).pdf](http://cgs.pnnl.gov/fois/doclib/RockwoodTranscript(153).pdf).

⁵² *Ibid.*

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states' nuclear organizations into account when evaluating the purpose of such states' nuclear programs.