

Information Circular

INFCIRC/967

Date: 3 December 2021

General Distribution

Original: English

Communication dated 1 December 2021 from the Permanent Mission of the Islamic Republic of Iran to the Agency

1. The Secretariat has received a communication dated 1 December 2021 from the Permanent Mission of the Islamic Republic of Iran to the Agency, enclosing an explanatory note on the report of the Director General on “NPT Safeguards Agreement with the Islamic Republic of Iran” contained in GOV/2021/52 of 17 November 2021.
2. The communication and, as requested by the Permanent Mission, the explanatory note are circulated herewith for information.



PERMANENT MISSION
OF THE ISLAMIC REPUBLIC OF IRAN
TO THE UNITED NATIONS AND
OTHER INTERNATIONAL ORGANIZATIONS

JAURESGASSE 3
1030 VIENNA, AUSTRIA

جمهوری اسلامی ایران
نماینده دائمی نزد دفتر ملل متحد و سازمانهای بین المللی
وین

In the Name of God, the Most Compassionate, the Most Merciful

No. 987186

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Vienna presents its compliments to the Secretariat of the International Atomic Energy Agency (IAEA) and has the honor to hereby enclose an Explanatory Note on the Report of the IAEA Director General entitled "NPT Safeguards Agreement with the Islamic Republic of Iran" (GOV/2021/52, dated 17 November 2021).

The Permanent Mission of the Islamic Republic of Iran would like to request the latter to publish the attached Explanatory Note as and INFCIRC document.

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Vienna avails itself of this opportunity, to renew to the Secretariat of the International Atomic Energy Agency the assurances of its highest considerations.

Vienna, 1 December 2021

To: The Secretariat of the International Atomic Energy Agency



Explanatory Note
On the Report of the IAEA Director General:
“NPT Safeguards Agreement with the Islamic
Republic of Iran”
(GOV/2021/52, 17 November 2021)

Following the Report of the International Atomic Energy Agency (IAEA) Director General, “NPT Safeguards Agreement with the Islamic Republic of Iran” (GOV/2021/52, 17 November 2021), the Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Vienna would like to share its comments and clarifications on the said report as follows:

A. General comments:

1. The Islamic Republic of Iran has always complied with its obligations under its Comprehensive Safeguards Agreement, CSA (INFCIRC/214) through which the Agency continues to maintain its verification system on Iran’s nuclear material and facilities.
2. It should be noted that while Iran had to take some remedial measures to deal with the JCPOA non-performance of some participants, these measures neither hamper nor involve CSA obligations at all.
3. It is deeply regrettable that while three sabotage terrorist attacks took place in Iran’s nuclear facilities and workshop during past two years, which have also damaged some Agency’s surveillance equipment, despite relevant Resolutions of the UN General Assembly and IAEA General Conference, the Agency neither condemned such heinous acts nor encouraged others to do so, disregarding its responsibility. This unexpected inaction sends wrong signals to the terrorists for continuation of their inhumane acts.

As to the sequence of the DG’s report, the Iran’s clarifications and comments are as followings:

B. Comments on Background:

1. The Paragraph 2 of the said report, which states: “*In his reports to the Board of Governors in June and September this year, the Director General provided a summary of the Agency’s findings in relation to four undeclared locations in Iran (identified as Locations 1, 2, 3 and 4)”*,”

- As explained by Iran frequently, there has never been any undeclared location which is required to be declared under CSA and Iran's nuclear activities remain peaceful under the full-scope safeguards of the Agency. Therefore, expressing concern by the Agency in this regard is baseless with the unauthenticated reference and thus there is no reason for issuing safeguards report in this regard.
2. In paragraph 2, the Agency also states: *"the Director General had expressed his deep concern that the Agency had found indications that nuclear material had been present at three of these locations, for which Iran had yet to provide the necessary explanations, and that the current location(s) of the nuclear material were not known to the Agency"*. Iran extended its best cooperation to the Agency including by providing voluntary access to the Agency as well as answering all questions raised by the Agency in this regard. Yet, finding of natural uranium particles in the taken environmental samples alone cannot be considered as an indication of nuclear material and equipment presence.
 - Cooperating with the Agency, Iran has explained its assumptions about probable causes of the contamination in two locations asked by the Agency. As explained earlier, these locations have been under control of private sector.
 3. The Agency states in paragraph 2 *"Iran had yet to provide the necessary explanations, and that the current location(s) of the nuclear material were not known to the Agency"*.
 - It is obvious that the Agency's evaluation should be based on authentic and credible information. So, the information provided by the intelligence agencies neither could be considered authentic and reliable information nor can be regarded as open-source information. If such an approach would be taken into consideration, an endless process of questions and answers will prevail the verification activities. In such circumstances, a state of distrust will be created among Member States and the Agency.
 - As it was previously explained to the Agency the allegations raised by the Agency have no legal basis. In fact there is no undeclared nuclear material in Iran, and the Agency assertion is merely based on false and fabricated allegations of the Zionist regime that itself possesses nuclear weapons.
 4. The Agency's report states further in paragraph 2 *"Nor had Iran answered the Agency's questions with regard to another undeclared location or clarified the current location of natural uranium in the form of a metal disc"*.

- The claim about existing another undeclared location containing natural uranium in the form of a metal disc is based on false and fabricated assertions of the Zionist regime without any ground. The Agency has not presented to Iran any document and proof in this regard.
 - Accordingly, Iran has stated frequently that the uranium metal only had been produced previously in Jaber Ibne Hayyan Laboratory (JHL) which has been verified through IIV and PIV several times by the Agency since 2003 and have been under continuous Agency's C/S measures. This fact was reflected in the Agency report (GOV/2015/68) as "*... the Agency carried out a physical inventory verification (PIV) at the Jab[e]r Ibn[e] Hayan Multipurpose Research Laboratory (JHL) in August 2011 to verify, inter alia, the nuclear material, in the form of natural uranium metal, and process waste related to experiments to convert UF_4 into uranium metal that had been conducted at JHL in the period 1995-2000. As a result of the PIV, the Agency identified a possible discrepancy of several kilogrammes of natural uranium in the accountancy records of these experiments. The Agency re-evaluated this information in 2014 and assessed that the amount of natural uranium involved was within the uncertainties associated with nuclear material accountancy and related measurements.*"
5. Regarding the implementation of modified Code 3.1 of the Subsidiary Arrangements, it should be reminded that acceptance of implementation of modified Code 3.1 was among the transparency and confidence building measures, reflected in paragraph 65 of the JCPOA. Following the U.S. withdrawal from the JCPOA and dismal failure of the E3/EU to fulfill any of their commitments within the JCPOA, the Islamic Consultative Assembly (ICA) of Iran (Parliament) has passed a Law to cease all transparency measures beyond Iran's CSA. Based on this fact, implementation of Para. 65 of the JCPOA annex I, modified Code 3.1 was suspended.

C. Comments on Recent Developments:

1. In paragraph 4, the Agency states "*During the current reporting period, there have been no interactions between the Agency and Iran regarding Locations 1 and 3 and, therefore, the issues relating to these locations remain unresolved*".
- As it was clarified under Para. 2, Iran did NOT find any evidence about the presence of uranium contamination in location 1, except some **assumptions** which have been notified to the Agency through relevant communications. The Agency's questions about location 1 have also been answered.

- The Agency's satellite images can not be considered as an authentic source because they don't reveal the reality of activities.
2. In paragraph 5, the IAEA claims *"As part of its efforts to clarify the safeguards issues related to Location 2, on 14-16 November 2021, the Agency conducted verification activities under the Safeguards Agreement at a declared facility in Iran where uranium metal had been produced previously. The purpose of these activities was to verify whether the natural uranium in the form of a metal disc that may have been used at Location 2 was present at this declared facility"*
- the Agency report (GOV/2021/15) regarding location 2 which is footnoted as No. 13 in GOV/2004/60, Para. 6, linked the location 2 as Lavizan-Shian site which had visited in 28 June 2004. It should be noted that access to Lavizan-Shian site had been previously granted to the Agency. The Agency took environmental samples including remaining walls, soil and plants at this location.
 - Afterwards, the Agency found no contamination there, and pursuant to Iran's clarifications about the razing of the Lavisan-Shian site, in August 2005, finally it was reported by the Agency in GOV/2005/67 that the information provided by Iran appeared to be **coherent and consistent** with its explanation of the razing of the Lavisan-Shian area.
 - Ultimately based on JCPOA, the "Roadmap for Clarification of Past and Present Outstanding Issues" agreed between Iran and the Agency was fully implemented and this issue was also resolved. It is regrettable that the Agency revives some closed alleged issues dating back to 2003-2004, which is in violation of the JCPOA.
3. The Agency states in Paras. 7 and 8 *"As previously reported, the information and supporting documentation relating to Location 4 provided by Iran in its letter of 24 August 2021 referred to activities conducted in Iran by an organization from another Member State. ... In a letter to the Agency dated 22 October 2021, the Member State noted that the information provided by Iran had contained "no information indicating a link" between the cooperation provided by the aforementioned organization in Iran, mentioned in the supporting documentation provided by Iran, "and the anthropogenic uranium particles found by the Agency"... "*

Firstly, Iran has merely reflected the relevant history of the location and did not refer or link such contamination to the third party in its answer to the Agency.

Secondly, it is quite natural that the concerned state party was not able to find any information in this case after half a century past such an activity. However Iran reported the real facts of the history of the location 4.

Similarly, Iran also was not able to find any other explanation in this respect after 50 years lapse. Both the country and the organization have gone under huge changes and developments. The country in question was disintegrated three decades ago while the organization may have lost its connection with then affiliated or sub-companies and contractors.

Thirdly, in reply to the Agency questions of August 2019 regarding this location, Iran responded at the same time to the Agency that any question based on false and fabricated allegations is not acceptable, and urges the Agency to disregard such espionage forged information. Moreover, the satellite images of that time have no value. Therefore, the Agency's questions lack safeguards ground.

Fourthly, during DDG access to location 4, he stated that there is no indication of any sanitization in contrast with satellite imagery.

D. Comments on Agency Inspectors

1. Pursuant to recent sabotage acts inflicted over Iran's nuclear facilities and sites, strengthened security measures were performed prior to entering nuclear facilities and sites so as to prevent recurrence of such heinous acts. No need to mention that intensity of security measures is highly dependent on the increasing level of the threats. In this line, it should be reiterated that security of nuclear facilities is part of the national security and also the highest priority for national sovereign right of Member States. Thus, this issue is within the competence of the state and is not subject to any agreement with the Agency.
2. According to Article VI, Section 22 of Agreement on the Privileges and Immunities of the Agency (INFCIRC/9/Rev.2), the Agency shall cooperate at all times with the appropriate authorities of Member States with regard to necessary security measures. It should be recalled that during last visit of DDG from Natanz, he passed through the same security procedure and witnessed the good conduct of the arrangements. In this regard, supplementary information on the security procedures was provided with which the Agency inspectors shall comply with prior to entering any site/facility. The implementation of the security regulations would be continuously reviewed based on experiences gained and evaluation of existing threats.

3. It should be underlined that the implementation of such security requirements is essential prior to conduct any inspection activities. Clearly, security measures taken prior to entry to facilities can NOT be considered as an impediment to conducting effective functions of the Agency's inspectors during verification activities.

E. Conclusion:

1. The Islamic Republic of Iran continues to implement its CSA obligations as ever. With regard to four locations issues made up by the Agency, it needs to be mention that, in spite of all ambiguities, irrelevance and non-authenticity of the proofs and documents provided by the Agency, Iran exerted its utmost and best cooperation to satisfy the Agency. Iran repeatedly answered all questions raised by the Agency and now it is the time for the Agency to put an end to the process of endless questions and once for all close these fabricated issues.
2. The Islamic Republic of Iran strongly expects the Agency to conduct its reporting on verification activities in the Islamic Republic of Iran in a professional and impartial manner far from political pressures.
3. It is obvious that implementation of security requirements is essential in nuclear facilities and sites. In line with requirements of the Agreement on the Privileges and Immunities of the Agency (INFCIRC/9/Rev.2), the Agency is highly expected to advert and advise its inspectors to comply with the security measures.