

Information Circular

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Communication dated 5 March 2014 received from the Permanent Mission of the Islamic Republic of Iran to the Agency regarding the Report of the Director General on the Implementation of Safeguards in Iran

1. The Secretariat has received a communication dated 5 March 2014 from the Permanent Mission of the Islamic Republic of Iran to the Agency, enclosing an explanatory note by the Permanent Mission on the report of the Director General on “Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran” contained in document GOV/2014/10 (20 February 2014).
2. The communication and, as requested by the Permanent Mission, the explanatory note are circulated herewith for information.

In the name of God



بِسْمِ اللَّهِ

*Permanent Mission of
ISLAMIC REPUBLIC OF IRAN
to the International Atomic Energy Agency (IAEA)*

No. 51/2014

The Permanent Mission of the Islamic Republic of Iran to the International Atomic Energy Agency presents its compliments to the Agency's Secretariat and has the honour to request the latter to circulate attached 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/2014/10 dated 20 February 2014) among the Member States and publish it as an INFCIRC document and make it available to the public through the IAEA website.

The Permanent Mission of Islamic Republic of Iran to the International Atomic Energy Agency avails itself of this opportunity to renew to the Agency's Secretariat the assurances of its highest consideration.

Vienna, 5 March 2014



Secretariat of the Policy-Making Organs
Attn. Ms. Aruni Wijewardane
Secretary, Policy-Making Organs

**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/2014/10 dated 20 February 2014)
5 March 2014**

I. General comments:

1. As the DG report indicated once and again, Iran's nuclear activities remain peaceful and under the full-scope safeguards of the IAEA.
2. Nuclear material in Iran has never been diverted from peaceful purposes. The Agency continues to verify the non-diversion of declared material at Iran's nuclear facilities and LOFs. All six outstanding issues identified by the Agency in the mutually agreed "Work Plan" (INFCIRC/711) were resolved and reported to the Board of Governors by the former Director General (GOV/2007/58 and GOV/2008/4).
3. The Islamic Republic of Iran has already provided its views, through previous INFCIRCS¹ on some repeated paragraphs of the Director General Report GOV/2014/10, dated 20 February 2014, which also appeared in earlier DG's reports. However, Iran's strong reservations on the following points are reiterated:

A. Design Information (Modified Code 3.1 of Subsidiary Arrangement)

Iran voluntarily implemented the modified code 3.1 of the Subsidiary Arrangements starting from 2003, but suspended its implementation pursuant to the adoption of illegal United Nations Security Council (UNSC) resolutions against Iran's peaceful nuclear activities. However, Iran is currently implementing code 3.1 of its Subsidiary Arrangements.

B. Additional Protocol

1. The Additional Protocol (AP) is not a legally binding instrument and is voluntary in nature. Many Member States (57 as reported by SIR 2012) including Iran are not implementing this voluntary protocol. It should be reminded that Iran implemented AP for more than 2.5 years (2003-2006) voluntarily as a confidence-building measure. In spite of Iran's voluntary implementation of AP as a confidence-building measure,

¹ - INFCIRCS / 786, 804, 805, 810, 817, 823, 827, 833, 837, 847, 849, 850, 853, 854 and 857.

illegal and politically motivated resolutions were adopted against Iran in the Board of Governors meetings. According to the established international law, no sovereign State can be forced to adhere to an international instrument, in particular an instrument like AP, which is voluntary in nature, in any circumstances. It is not acceptable that a voluntary instrument to be turned into a legal obligation without consent of a sovereign State. As it was reaffirmed by the 2010 NPT Review Conference (NPT/CONF.2010/50 (Vol. I)) and the IAEA General Conference relevant resolutions including (GC (57)/ RES/13), “it is the sovereign decision of any State to conclude an additional protocol”.

2. The Agency is not required, according to the safeguards agreement, to seek to verify the absence of undeclared nuclear material and activities (i.e. completeness) in a Member State. In fact, the safeguards agreement spells out the Agency’s “right and obligation to ensure that the safeguards will be applied, in accordance with the terms of this Agreement, on all source or special fissionable material”. In this vein, Agency’s access to open source information does not authorize it to require a Member State to provide information or access beyond its safeguards agreement.

C. Illegal Resolutions of the IAEA Board of Governors (BOG) and UNSC regarding Iran peaceful nuclear program

The Islamic Republic of Iran has already made it clear, that based on the provisions of the IAEA Statute and the Safeguards Agreement, the BOG resolutions against Iran are illegal and unjustified. The issue of Iran’s peaceful nuclear program has unlawfully been conveyed to the UNSC. In this context, adoption of politically motivated, illegal and unjust UNSC resolutions against Iran is neither legitimate nor acceptable. Therefore, any request by the Agency stemming from those resolutions is not justifiable.

II. New Developments:

1. As the Director General reported, Iran has implemented voluntarily six practical measures, which were specified in “Joint Statement on a Framework for Cooperation (GOV/INF/2013/14).
2. It should be reminded that the Agency agreed to continue to take into account Iran’s security concerns, including through the use of managed access and the protection of confidential information. In this regard, it is a source of concern that a few NGOs and news agencies widely distributed some information claimed to be disclosed by “knowledgeable senior officials close to the IAEA”. Therefore, the Agency is requested to investigate this serious matter as soon as possible.
3. Following implementation of first set of practical measures under “Joint Statement on a Framework for Cooperation”, Iran and the Agency agreed to proceed with seven additional measures that would be implemented by 15 May 2014. Iran has already

implemented one of the practical measures agreed between Iran and the Agency on 8 and 9 February 2014.

4. Under the “Joint Statement on a Framework for Cooperation”, the Agency and Iran agreed “to strengthen their cooperation and dialogue aimed at ensuring the exclusively peaceful nature of Iran's nuclear programme through the resolution of all outstanding issues that have not already been resolved by the IAEA.” As it was agreed, “Iran and the IAEA will cooperate further with respect to verification activities to be undertaken by the IAEA to resolve all present and past issues”. There is no reference in the Joint Statement with regard to the so-called “Possible Military Dimension (PMD)” or “Alleged Studies”. Therefore, we have a strong reservation on inclusion of any agreed practical measures to be implemented by 15 May 2014 under Section H of the report.
5. The Islamic Republic of Iran expects that the implementation of confidence building measures, beyond its safeguards agreement commitments, under “Geneva Joint Plan of Action” and “Framework for Cooperation” would lead to resolution of all ambiguities regarding Iran’s peaceful nuclear activities and to implementation of safeguards in routine manner.
6. It is hoped that the cooperative atmosphere and constructive engagement created between Iran and the Agency would lead to removal of any ambiguities regarding the exclusive peaceful nature of Iran’s nuclear programme in a step-by-step manner.