

# Information Circular

**INFCIRC/954**

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**General Distribution**

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## Communication dated 4 February 2021 from the Permanent Mission of the Islamic Republic of Iran to the Agency

1. The Secretariat has received a communication dated 4 February 2021 from the Permanent Mission of the Islamic Republic of Iran to the Agency, enclosing a letter from HE Ambassador Kazem Gharib Abadi, Permanent Representative of the Islamic Republic of Iran, to HE Rafael Mariano Grossi, Director General of the Agency.
2. The communication and, as requested by the Permanent Mission, the letter are circulated herewith for information.





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

No. 684086

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 International Atomic Energy Agency's Secretariat and has the honor to hereby enclose a letter from H.E. Mr. Kazem Gharib Abadi, Ambassador and Permanent Representative of the Islamic Republic of Iran to H.E. Mr. Rafael Mariano Grossi, Director General of the IAEA regarding the Islamic Republic of Iran's concerns and observations on the protection of confidential information for its consideration.

The Permanent Mission of the Islamic Republic of Iran would also like to request the latter to publish the attached Explanatory Note as an 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 International Atomic Energy Agency's Secretariat the assurances of its highest consideration.

Office of the Director General  
International Atomic Energy Agency





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

**No.: 684086**

**Date: 04 February 2021**

**Excellency,**

Upon instructions received from my Government, I am writing to you regarding the urgent need for addressing the Islamic Republic of Iran's concerns and observations on the protection of confidential information.

Protection of national security, involving persons, property, society and the environment, from harmful consequences of sharing and releasing classified nuclear information is the overall objective of a Member State especially when cooperates with the Agency or any other States. Indeed, such information should be classified, protected and secured with appropriate measures by the IAEA.

Protecting the confidential information, which is made available to the Agency by means of verification activities, is crucial to ensuring, inter-alia, the security of sensitive information. Therefore, public release of and/or access to classified safeguards information, especially regarding nuclear materials, activities and facilities of a Member State, is a very highly sensitive matter precisely related to the rights and interests of that State including on the subject of its national security.

The Islamic Republic of Iran acknowledges the fact that protection of confidential information has long been a fundamental issue in the deliberations about the Agency's

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internal regulations. However, despite existing normative regulations, the leak of or unauthorized access to confidential information of the Agency in the last two decades, has been a critical challenge on the way of cooperation between the Agency and the Islamic Republic of Iran.

During the past two decades, despite all progress in this field, Iran's concerns about the lack of proper implementation of the confidentiality obligations by the Agency have been frequently notified, which are yet to be properly addressed. Undoubtedly, the Agency is responsible for the preservation and protection of the confidential information and Iran has the right to request the Agency for placing any supportive policies, plans and procedures or revising the existing ones in this regard. In fact, the credibility of the verification regime and the future prospect of cooperation between Member States and the Agency absolutely relies on the policy and ability of the Agency in protecting the confidentiality of safeguards information.

It should be recalled that, as a starting point, fifteen years ago, on 12 September 2005, in a communication with the Agency (INFCIRC/657), Iran expressed its serious concerns and raised its expectation from the Director General "to make every effort to protect confidential information provided to the Agency's inspectors and officials, particularly in preparing its report for the Board of Governors". The Agency was requested "to take cognizance of Iran's national security, considering the potential threat of armed attacks against nuclear facilities". The letter criticizes that "the Director General reports which contain confidential information restricted for the members of Board of Governors have always been released by the western media prior to the meeting of the Board of Governors...". Unfortunately, these concerns are still unabated, even increased.

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## Legal Responsibilities of the Agency to Protect Confidential Information

Efficiency and effectiveness of the Agency's verification architecture depend heavily on the confidence of Member States to the ability of the Agency in protecting the confidentiality of safeguards information. That is why in many legally binding documents including the Statute of the Agency, the Safeguards Agreements, the Additional Protocol, the JCPOA, the decisions of the General Conferences and the Board of Governors and even the Cooperation Agreements between the Agency and other International Organizations, a specific section is dedicated to the principle of confidentiality. Some of the references made in the relevant documents are as follows:

### 1. The Statute of the Agency:

**I.Paragraph D of Article III of the Statute subjects the activities of the Agency to the observance of the sovereign rights of the Member States;** it reads *"subject to the provisions of this Statute and to the terms of agreements concluded between a State or a group of States and the Agency which shall be in accordance with the provisions of the Statute, the activities of the Agency shall be carried out with due observance of the sovereign rights of States"*.

**II.Paragraph F of Article VII obligates the Director General and the Staff to observe the confidentiality principle;** it reads *"in the performance of their duties, the Director General and the staff ... shall not disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Agency..."*.

### 2. Comprehensive Safeguards Agreement (CSA) between Iran and the Agency (INFCIRC/214):

**I. Paragraph (a) of Article 5 subjects the Agency to take every precaution to protect confidential information;** it reads: *"the Agency shall take every*

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*precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of this Agreement”.*

- II. **Paragraph (b) (i) of Article 5 is restricting the Agency in publishing or communicating any safeguards information. It also stresses on the need-to-know principle for the Agency staff members; it reads: “the Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of this Agreement, except that specific information relating to the implementation thereof may be given to the Board of Governors of the Agency and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfill its responsibilities in implementing this Agreement”.**
- III. **Paragraph (b) (ii) of Article 5 is also setting conditions on how the Agency may publish even the summarized information, within which it is required to seek agreement by the States directly concerned; it reads: “summarized information on nuclear material subject to safeguards under this Agreement may be published upon decision of the Board if the States directly concerned agree thereto”.**
- IV. **Indicating how sensitive the safeguards information should be treated and to show how non-intrusive the activities of the Agency should be, paragraphs (b) (i) and (ii) of Article 8 obligate the Agency to require only minimum amount of information; it reads:**
- (i) The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under this Agreement.*



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*(ii) Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under this Agreement.*

V. **In the same manner, paragraph (c) of Article 8 allows Iran even not to physically transmit to the Agency certain DIVs and entitles the Agency to be prepared to examine such DIVs on premises; it reads: “if the Government of Iran so requests, the Agency shall be prepared to examine on premises of Iran design information which the Government of Iran regards as being of particular sensitivity. Such information need not be physically transmitted to the Agency provided that it remains readily available for further examination by the Agency on premises of Iran”.**

VI. **Also, due to the importance of respecting the host country’s sensitivities, paragraphs (c) (ii) of Article 9 is conditioning the visits and activities of the Agency’s inspectors by considering imperative some of the considerations of the host country; it reads: “the visits and activities of Agency inspectors shall be so arranged as:**

*(ii) to ensure protection of industrial secrets or any other confidential information coming to the inspectors’ knowledge”.*

### 3. The Additional Protocol (INFCIRC/214/Add.1)<sup>1</sup>:

I. **The third preambular paragraph of the Additional Protocol (AP) reiterates the concepts mentioned in paragraphs 4 and 5 of the CSA on the importance of consideration of the host country’s concerns about confidential information; it reads: “recalling that the Agency must take into account in the implementation of safeguards the need to: avoid hampering the**

<sup>1</sup> The Islamic Republic of Iran implements the Additional Protocol provisionally and on a voluntary basis since 16 January 2016 (the Implementation Day of the JCPOA).

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*economic and technological development of Iran or international co-operation in the field of peaceful nuclear activities; respect health, safety, physical protection and other security provisions in force and the rights of individuals; and take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge”.*

- II. Building upon the right of the host country to regulate the access to information, **paragraph a. of Article 7 of the AP entitles the Agency and Iran to make arrangements in order to prevent dissemination of proliferation sensitive information**; it reads: *“upon request by Iran, the Agency and Iran shall make arrangements for managed access under this Protocol in order to prevent the dissemination of proliferation sensitive information, to meet safety or physical protection requirements, or to protect proprietary or commercially sensitive information ...”.*
- III. **Paragraph b. of Article 14 of the AP is also emphasizing on the need to protect information during communication and transmission while establishing systems of communication**; it reads: *“communication and transmission of information as provided for in paragraph a. above shall take due account of the need to protect proprietary or commercially sensitive information or design information which Iran regards as being of particular sensitivity”.*
- IV. Most importantly, **Article 15 deals with the necessity for maintaining a stringent regime to ensure effective protection of information**; paragraph a. of this Article reads: *“the Agency shall maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge,*

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*including such information coming to the Agency's knowledge in the implementation of this Protocol”.*

It is noteworthy that this Article even elaborates the kinds of measures required to be taken; paragraph b. of this Article reads: *“the regime referred to in paragraph a. above shall include, among others, provisions relating to:*

- (i) General principles and associated measures for the handling of confidential information;*
- (ii) Conditions of staff employment relating to the protection of confidential information;*
- (iii) Procedures in cases of breaches or alleged breaches of confidentiality.”*

#### **4. The Joint Comprehensive Plan of Action (JCPOA):**

**I.Paragraph (x) of the preamble of Annex A of Resolution 2231 (2015) (the JCPOA text)** reads: *“all relevant rules and regulations of the IAEA with regard to the protection of information will be fully observed by all parties involved”.*

**II.Preambular paragraph 10 of Resolution 2231 (2015) and Paragraph 74 of its Annex A (the JCPOA text)** requests the Agency *“to take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge”.*

#### **5. The General Conference:**

Member States of the Agency constantly emphasized on the importance of protection of confidentiality principle in the Annual Resolution of the General Conference entitled *“Strengthening the Effectiveness and Improving the Efficiency of Agency Safeguards”*, the latest of which was adopted in September 2020.

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**I. Preambular paragraph (z) of the Resolution reiterates the provisions of the Statute and the Safeguards Agreements on the importance of maintaining the principle of confidentiality;** it reads: *“stressing the importance of maintaining and observing fully the principle of confidentiality regarding all information related to the implementation of safeguards in accordance with the Agency’s Statute and safeguards agreements”*.

**II. Additionally, paragraph 38 of the Resolution requests the DG to exercise the highest vigilance and reaffirm the need for establishing procedure for the stringent protection of confidential information;** it reads: *“... and urges the Director General to exercise the highest vigilance in ensuring the proper protection of classified safeguards information, and requests the Director General to continue to review and update the established procedure for the stringent protection of classified safeguards information within the Secretariat and report periodically to the Board about the implementation of the regime for the protection of classified safeguards information”*.

## 6. The Board of Governors<sup>2</sup>:

The need for the Agency to maintain a stringent regime for the protection of safeguards confidential information has been on the Agenda of the Board of Governors for several decades, most notably on the agenda of the meetings of the Committee on Strengthening the Effectiveness and Improving the Efficiency of the Safeguards System (Committee 24) which was working on the draft Model Protocol.

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<sup>2</sup> This section is added to this letter notwithstanding the legal status of the decisions of the Board.

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At its meeting in March 1997, the Board of Governors generally endorsed the Regime for the Protection of Safeguards Confidential Information as set out in the Annex to GOV/2897, which was previously agreed by the Committee 24. It is noteworthy that, according to preamble of the **document GOV/2897**, the abovementioned draft Model Protocol was drafted by the Committee 24 on the assumption that this Regime would be adopted before or in conjunction with the adoption of the draft Model Protocol.

In endorsing the Agency's regime for the protection of safeguards confidential information set out in the **Annex to GOV/2897**, the Board of Governors requested the Secretariat, with the advice of an open-ended group of experts, to supplement the regime in a further document to the Board as early as possible the same year.

Accordingly, on 24 October 1997, the Secretariat circulated to all Member States a draft paper, 1997/NOTE 22, for consideration by an open-ended Group of Experts scheduled to meet on 6 and 7 November 1997. The Group, under the chairmanship of Mr. Steven McIntosh (Australia), considered the paper on 6 November 1997. Then, the paper has been modified to take into account comments and suggestions made in the course of that meeting. Afterwards, the Secretariat submitted a supplementary report annexed to document GOV/2959 on the Agency's regime for the protection of safeguards confidential information, which was subsequently adopted by the Board of Governors.

Some of the relevant important points of the Regime as elaborated in documents **GOV/2897 and GOV/2959** are as follows:

- I. Since the Agency's inception, the dissemination of information relating to the peaceful uses of nuclear energy has been one of the Agency's fundamental activities...; however, in recognition of the legitimate interest of Member States in protecting certain information for safety or

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proprietary reasons, limitations on the dissemination of information and transparency can and do apply in connection with certain aspects of the Agency's activities, in particular to safeguards...;

- II. In the area of safeguards, a practice of limited dissemination of information and transparency is required. Since not all safeguards information can be subject to disclosure, the question arises as to the extent to which safeguards information requires protection against disclosure.

#### 7. The NPT Review Conferences:

Observing the principle of confidentiality was also the concern of States at the "Negotiation on the Nuclear Non-Proliferation Treaty (NPT)"<sup>3</sup> and at almost all its Review Conferences. **Paragraph 19 of the outcome document of the NPT Review Conference in 2010 stresses the importance of maintaining and observing the principle of confidentiality**; it reads: "*the Conference stresses the importance of maintaining and observing fully the principle of confidentiality regarding all information related to implementation of safeguards in accordance with safeguards agreements and the IAEA statute*".

#### 8. The Agency's Staff Regulations:

**The Staff Regulations of the Agency (INFCIRC/612, dated 30 August 2002) also has reference to the importance of preserving the principles of confidentiality and the need-to-know; REGULATION 1.06 reads:** "*members of the Secretariat shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person or government any information known*

<sup>3</sup>. "The Negotiation of the Non-Proliferation Treaty (NPT)", IAEA Bulletin, vol. 22, no. 3/4, 1980, p. 79.

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TO THE UNITED NATIONS OFFICE AND  
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JAURESGASSE 3  
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*to them by reason of their official position which has not been made public, except in the course of the performance of their duties or by authorization of the Director General. They shall not at any time use such information to private advantage and they shall not at any time publish anything based thereon except with the written approval of the Director General. These obligations shall not cease upon separation from the Secretariat”.*

**Furthermore,** the General Conference of the Agency in its resolution GC(01)/Res/13 considered the responsibilities of the staff of the Agency in preserving the confidentiality of information where emphasized that *“in the performance of their duties the staff shall not, subject to their responsibilities to the Agency, disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Agency.”*

### **Areas of Concern**

The Islamic Republic of Iran believes that the Agency has obligations to address the issue of confidentiality of safeguards information in a comprehensive and thorough manner including with regard to the following areas:

#### **I. Inclusion of detailed information in the Director General’s reports as well as technical briefings:**

**Detailed confidential information** compiled in the DG’s reports on matters related to Iran’s nuclear program is a serious challenge in complying with confidentiality obligations. Iran believes that incorporation of detailed

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TO THE UNITED NATIONS OFFICE AND  
OTHER INTERNATIONAL ORGANIZATIONS

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information in the DG's reports is neither required, nor compatible with the confidentiality principles reflected in the above-mentioned instruments.

On the same basis, very detailed but unnecessary information presented in the informal technical briefing meetings on Iran's nuclear activities is also of serious concern. It should be noted that while the Agency is responsible to monitor and verify the voluntary nuclear-related measures taken by Iran as detailed in the JCPoA and to provide regular updates to the Board of Governors and the United Nations Security Council, it should take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge. Simultaneously, all relevant rules and regulations of the IAEA with regard to the protection of information should be fully observed by all parties involved.

According to **paragraph 5 (b)(i) of the Comprehensive Safeguards Agreement (CSA)** the Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of this Agreement, except that specific information may be given to the Board of Governors of the Agency, but only to the extent necessary for the Agency to fulfill its responsibilities in implementing this Agreement. "*to the extent necessary*", here, refers to the limits of such information.

In this context, it is noteworthy that the Director General's reports on JAPOA and the implementation of Safeguards are completely confidential and all should be labeled as such. Thus, merely labeling "**restricted distribution**" by the Secretariat will not suffice, and is certainly in clear contradiction with the protection of the confidentiality principle.



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JAURESGASSE 3  
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Therefore, the DG, and the Secretariat in general, should not include detailed information in the reports or in their technical briefings, especially considering the fact that Iran as the host country, has frequently requested the Secretariat to consider confidential all information gathered during verification and monitoring of its nuclear activities and facilities. In this context, the Agency's behaviour should not and may not establish a practice in this regard.

## II. Releasing and getting access to the Director General's reports:

Access to the Director General's reports by **media or other private entities**, even before their official release, has also been another source of concern for Iran. This in fact happens through either the GovAtom website or the Member States who have access to this website, because of lack of proper mechanisms to protect the confidentiality of the information. In principle, **the GovAtom website** is not a proper means for distribution of classified information and reports to the Board of Governors' members. More than 1000 users from all members of the Agency, even those who are no longer members of the Permanent Missions and have active accounts, are able to have access to such confidential information. On the other hand, since the Agency is entitled to **inform the Board of Governors** not the General Conference, it should restrict the dissemination of such information to only members of the Board.

In the same context, **the Member States' access to confidential information** of another Member State does not exempt them from the responsibility of protecting such confidential information, and the Director General of the Agency should officially remind them of their responsibility

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TO THE UNITED NATIONS OFFICE AND  
OTHER INTERNATIONAL ORGANIZATIONS

JAURESGASSE 3  
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if the confidentiality of such information is compromised and it is leaked before its legal due time arrives.

Membership of a State in the Agency or in the Board of Governors should not be automatically translated into having access to confidential information of another Member State. Classification system of information also means that the Member States of the Agency or its staffs would be able to know what they need to know in line with their rights and obligations.

The means of **informing the United Nations Security Council** by the Agency's Secretariat about reports on the monitoring and verification of the implementation of the JCPOA, and the way with which such information is treated by the UNSC in terms of the confidentiality principle are also another sources of concern in this regard. On the one hand, the method of imparting such information to the UNSC by the Agency's Secretariat, in a way to ensure the protection of confidential information, is not known to us. On the other hand, unfortunately, it is evident that the UNSC also releases such confidential reports even before the Board's decision to officially release them, which is in clear contradiction with the confidentiality principle.

### **III. Making public the Director General's reports upon decisions by the Board of Governors:**

The Comprehensive Safeguards Agreement between Iran and the Agency (CSA) which includes provisions on the necessity of protection of confidential information, has been adopted by the Board of Governors. Accordingly, observing the principle of confidentiality is inherently the responsibility of all Members and organs of the Agency, namely the

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

JAURESGASSE 3  
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Secretariat, the Board of Governors and the General Conference, which might be provided access with such information.

According to paragraph 5 (b)(ii) of the Comprehensive Safeguards Agreement (CSA) "*summarized information on nuclear material subject to safeguards under this Agreement may be published upon decision of the Board if the States directly concerned agree thereto*". There are two main important points here:

- First, the report of the Director General should not be in details and it should be "*summarized information*". For this purpose, the Code 5 of Subsidiary Arrangements to Iran's Safeguards Agreement is more elaborative, as it reads: "*the Agency may publish the following summarized information: the amounts and types of nuclear material ... in terms of effective kilograms*" and "*a list of the facilities in Iran which contain nuclear material subject to safeguards*". Obviously, the Secretariat's current practice of disseminating detailed information, for example, nuclear material in gram quantities as well as detailed construction and operation information of nuclear facilities, is far beyond the agreed requirements.
- Second, the decision by the Board is not sufficient for such reports to be published and the agreement by the States directly involved is an essential pre-requisite. Therefore, the Islamic Republic of Iran believes that an official consent by Iran is necessary for the publication of the Director General's reports, otherwise, the Secretariat and the Board of Governors would still be in defiance of observing the principle of confidentiality and entitled to be legally responsible for such a conduct.

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TO THE UNITED NATIONS OFFICE AND  
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#### IV. Overseeing the current and former staffs of the Agency:

The need for any staff of the Agency, regardless of his or her employment status, to comply with the confidentiality principle, is another challenging issue.

In this regard, the Islamic Republic of Iran has repeatedly expressed its concerns about the violations of the principle of confidentiality by the former Agency's officials<sup>4</sup> and requested the Director General to address this situation, the latest of which was communication No. 2820 dated 07 December 2020.

Although the Provisional Staff Regulations and Rules govern the staff member's performance of his/her duties vis-a-vis the Agency, it is important to note that Regulations and Rules expressly provide that the obligation not to disclose confidential information does not cease upon the staff member's separation from the Secretariat.

All staff members of the Agency are required, upon departure from the IAEA, to affirm that he or she does not have in his/her possession any document or any other information material pertaining to the Department of Safeguards which was classified confidential. They should also undertake not to communicate at any time, to any person or government, any confidential information which came to their knowledge by reason of their relation with the Secretariat, and not to use at any time such information for private advantage or for publication, after separation from the Secretariat.

The Agency should seriously apply the continuation of responsibility of its staffs when their contractual services with the Agency are terminated in order to uphold continuation of the protection of the confidentiality principles.

<sup>4</sup> For instance, Mr. Olli Heinonen, ex-Deputy Director General of the IAEA for Safeguards.

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TO THE UNITED NATIONS OFFICE AND  
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## The Way Ahead

Disclosure of confidential information, especially regarding Iran's nuclear activities and facilities, which has been provided to the Agency's inspectors in good-will and as a transparency and confidence-building measure, is of serious concern. As noted in paragraph 8 of GOV/2897 and Paragraph 12 of document GOV/2959, a State may request the classification of a particular document as safeguards confidential, and that in no event would such a document be declassified without that State's consent. Through these documents, the Board also endorsed that the Agency Statute and the Staff Regulations and Rules impose on Agency current and former staff members an obligation not to disclose any confidential information known to them due to their official position. The Agency itself, as an international person with juridical personality, has international duties, the breach or non-observance of which may engage Agency responsibility.

Providing the Agency with necessary information and monitoring and verification tools should not be done at the cost of compromising the rights of the Islamic Republic of Iran and obligations of the Agency for preservation and protection of sensitive and confidential information. The boundaries between the principles of confidentiality and transparency have been blurred, thus misunderstood. Transparency requires States to provide the Agency with required information and cooperation regarding their nuclear activities. Nevertheless, relying on this principle, the Agency cannot and should not shoulder off its responsibility regarding the protection of the confidentiality principle, because transparency does not mean divulging confidential information. Else, it would lead to damages on the concerned State Party, either commercial or security, which may invoke the Agency's legal responsibility.

There is no need to emphasize that due to wide-range of the Islamic Republic of Iran's nuclear activities in various fields and the broad inspection activities by the Agency in Iran, as well as various detailed reports prepared by the Agency on the results of

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وین

verification activities, disclosure of such safeguards-related confidential information inflicts commercial, technological and industrial damages and brings security threats to the country.

To address the current challenges in this regard, the Islamic Republic of Iran strongly proposes the following:

- I. Holding urgent meetings between the Secretariat of the Agency and the Islamic Republic of Iran in order to consider the concerns raised in this Note Verbal, with the aim of finding practical solutions to address them;
- II. Briefing the Islamic Republic of Iran about the policies of and methods used in the Agency for the protection of Iran's confidential information, and facilitating a visit by a delegation of the Islamic Republic of Iran in this regard;
- III. Refraining by the Agency to reflect any detailed information on the results of the verification activities in Iran in its reports and the technical briefings;
- IV. Labeling and stamping "confidential" on all reports concerning verification of Iran's nuclear activities and avoiding using only "restricted access";
- V. Making public the report(s) concerning verification of Iran's nuclear activities only with prior consent by the Islamic Republic of Iran;
- VI. Reminding the responsibilities of the Member States in protecting Iran's related confidential information which comes to their knowledge through the Director General's reporting mechanism, investigating and addressing any possible violation of the principle of confidentiality;

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وین

- VII. Utterly revising the utilization of GovAtom website as the only means for distribution of the confidential reports regarding Iran to Member States;
- VIII. Restricting sharing information only with members of the Board of Governors as a solution for preventing wide-range dissemination of safeguards-related confidential information;
- IX. Ensuring a secure-communication of the reports to the United Nations Security Council (UNSC) and making sure that such information remains as confidential in the UNSC system until the legal due time for their public release;
- X. Developing a mechanism for addressing the Islamic Republic of Iran's complaints about the violation of the principle of confidentiality by the current and former staffs of the Agency, and in this regard, launching a prompt investigation on the repeated complaints against Mr. Olli Heinonen, ex-Deputy Director General of the Agency for Safeguards, and informing Iran about the findings and results of such investigation including on the possible accesses of ex-officials of the Agency to GovAtom;
- XI. Briefing periodically the Board of Governors and the General Conference by the Secretariat of the Agency on the policies of and methods used in the Agency for the protection of confidential information including the follow-up measures or any remedial actions in response to the concerns raised by Iran in this regard;

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وین

- XII. Considering establishment of a Confidentiality Commission to monitor the preservation of confidentiality, settle disputes about confidentiality and make recommendations on improvements<sup>5</sup>;
- XIII. Assigning a detailed section on confidentiality issues and the measures taken by the Agency in its annual reports.

Please accept, **Excellency**, the assurances of my highest consideration.

  
**Kazem Gharib Abadi**  
Ambassador  
Permanent Representative

**H. E. Mr. Rafael Mariano Grossi**  
Director General  
International Atomic Energy Agency

<sup>5</sup>. A similar model is being practiced by the OPCW.