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(GOV/2021/50)

NPT Safeguards Agreement with the Islamic Republic of Iran

Report by the Director General

A. Introduction

1. This report of the Director General is on the implementation of the NPT Safeguards Agreement¹ and the Additional Protocol² in the Islamic Republic of Iran (Iran). It describes the Agency's efforts and interactions with Iran to clarify information relating to the correctness and completeness of Iran's declarations under its Safeguards Agreement and Additional Protocol. It also addresses issues relating to the treatment of Agency inspectors when performing their functions in Iran under Iran's Safeguards Agreement.

B. Background

2. 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

¹ The Agreement between Iran and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/214), which entered into force on 15 May 1974.

² Iran's Additional Protocol (INFCIRC/214/Add.1) was approved by the Board of Governors on 21 November 2003 and signed by Iran on 18 December 2003. Iran implemented voluntarily the Additional Protocol between December 2003 and February 2006. On 16 January 2016, Iran began provisionally applying the Additional Protocol in accordance with Article 17(b) of the Additional Protocol. As of 23 February 2021, Iran stopped the implementation of its nuclear-related commitments under the JCPOA, including the Additional Protocol (see GOV/INF/2021/13).

as Locations 1, 2, 3 and 4), and Iran's responses to the Agency's requests for clarification.³ 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. 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 Director General reiterated the requirement for Iran to clarify and resolve these issues without further delay by providing information, documentation and answers to the Agency's questions. He also stated that the lack of progress in clarifying the Agency's questions concerning the correctness and completeness of Iran's safeguards declarations was seriously affecting the ability of the Agency to provide assurance of the peaceful nature of Iran's nuclear programme.⁴

3. The Director General had reminded Iran that implementation of modified Code 3.1 is a legal obligation for Iran under the Subsidiary Arrangements to its Safeguards Agreement which, in accordance with Article 39 of Iran's Safeguards Agreement, cannot be modified unilaterally and that there is no mechanism in the Safeguards Agreement for the suspension of implementation of provisions agreed to in the Subsidiary Arrangements.⁵

C. Recent developments

4. 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.

5. 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.^{6,7} The Agency is currently evaluating the results of these verification activities.

6. Following previous interactions regarding **Location 4**,⁸ on 9 September 2021, the Agency provided Iran with graphics based on commercially available satellite imagery that illustrated the activities identified by the Agency as inconsistent with Iran's statement that there had been no activity at this location between 1994 and 2018. In a letter dated 13 October 2021, Iran stated that "only the mining activities, which were main activities at this location, have been stopped during the said period" and that the activities observed at the location had involved guards "to secure the properties at location".

7. 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

³ GOV/2021/29 and GOV/2021/42.

⁴ GOV/2021/29, paras 27 and 28.

⁵ GOV/2021/15, para. 19.

⁶ GOV/2020/30, para. 4, footnote 9.

⁷ GOV/2021/15, para. 16.

⁸ GOV/2021/42, paras 6-9.

from another Member State.⁹ In a letter dated 2 September 2021, the Agency requested clarification and confirmation from that Member State in this regard.

8. 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”. Iran has yet to provide an explanation for the presence of anthropogenic uranium particles at Location 4 and to answer the Agency’s original questions dating from August 2019.¹⁰

9. On 15 November 2021, the Director General accepted an invitation to visit Tehran, the precise date of which is still being finalized, to hold high level consultations with the Iranian Government as agreed in the Joint Statement of 12 September 2021.¹¹

D. Agency Inspectors

10. In June 2021, the Agency drew to Iran’s attention that, since April 2021, there had been several instances where Agency inspectors, when discharging their functions as provided for under the Safeguards Agreement, had experienced excessively invasive physical searches during new security procedures at nuclear facilities in Iran. The Agency interacted with Iran to try to remedy the situation and Iran indicated that it would review the new procedures to determine any difficulties which may arise. In a letter dated 30 August 2021, the Agency informed Iran that inspectors had continued to experience excessively invasive searches, which resulted in them feeling intimidated. The Agency indicated to Iran that if Iran were not to take immediate steps to remedy the situation the Director General would be obliged to report the matter to the Board of Governors.

11. In a letter dated 25 October 2021, the Agency informed Iran that Agency inspectors had continued to experience excessively invasive physical searches during security checks. Consequently, the Agency informed Iran that, as previously indicated, the matter would be reported to the next meeting of the Board of Governors.

12. In a letter dated 8 November 2021, Iran provided the Agency with supplementary information on the new security procedures it had introduced at nuclear facilities. Iran indicated that it expected the Agency to “advise its inspectors to comply with the security measures and to inform us specifically about any evidence of probable misconduct through present process of the security measures”. Iran also asserted that “there is no ground or legal basis for reporting such matters to the Board of Governors”.

13. In its reply dated 16 November 2021, the Agency informed Iran that several provisions of the security procedures were inconsistent with the privileges and immunities of the Agency and its inspectors under the Agreement on the Privileges and Immunities of the IAEA, to which Iran is a party, and that their implementation prevents Agency inspectors from effectively discharging their functions as provided for under the Safeguards Agreement. The Agency further noted that some of the measures included in Iran’s new security procedures are also inconsistent with internationally accepted security practices at nuclear facilities.

⁹ GOV/2021/42, para.8.

¹⁰ GOV/2021/29, para. 11.

¹¹ GOV/INF/2021/42, Annex, para. 2.

E. Summary

14. The Director General remains deeply concerned that nuclear material has been present at three undeclared locations in Iran and that the current locations of this nuclear material are not known to the Agency. The Director General is increasingly concerned that even after more than two years the safeguards issues related to the four locations in Iran not declared to the Agency remain unresolved. The Director General reiterates the requirement for Iran to clarify and resolve these issues without further delay by providing information, documentation and answers to the Agency's questions. The lack of substantive engagement by Iran in trying to resolve these issues has prevented progress in clarifying the Agency's questions concerning the correctness and completeness of Iran's safeguards declarations, which seriously affects the Agency's ability to provide assurance of the exclusively peaceful nature of Iran's nuclear programme.

15. The Director General reiterates his call upon Iran to fulfil all of its legal obligations under the Subsidiary Arrangements to its Safeguards Agreement and fully implement modified Code 3.1.

16. The Director General is concerned by the incidences of Agency inspectors being subjected to excessively invasive physical searches by security officials at nuclear facilities in Iran. He reiterates the call upon Iran to take immediate steps to remedy the situation, and to implement security procedures at nuclear facilities that are consistent with internationally accepted security practices and Iran's legal obligations in relation to privileges and immunities of the Agency and its inspectors.

17. The Director General looks forward to discussing current issues of mutual interest during his forthcoming visit to Tehran, the date of which is still being finalized.

18. The Director General will continue to report to the Board of Governors as appropriate.