

Information Circular

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Communication dated 17 December 2013 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 17 December 2013 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 GOV/2013/56 (14 November 2013).
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. 231/2013

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/2013/56 dated 14 November 2013) 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.



Secretariat of the Policy-Making Organs
Attn. Ms. Aruni Wijewardane
Assistant Director General

**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/2013/56 dated 14 November 2013)
17 December 2013**

General comments:

1. As the IAEA Director General's report indicated once again, Iran's nuclear activities remains 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. Furthermore, 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 paragraphs of the Director General Report GOV/2013/54, dated 14 November 2013 which also appeared in previous 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 was voluntarily implementing the modified code 3.1 of the Subsidiary Arrangements since 2003, but suspended its implementation pursuant to the illegal United Nations Security Council (UNSC) resolutions against Iran's peaceful nuclear activities. However, Iran is currently implementing its commitments according to the 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

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

spite of Iran's voluntary implementation of AP as a confidence-building measure, 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 instrument, in particular an instrument like AP which is voluntary in nature. It is not acceptable that a voluntary instrument to be turned into a legal obligation without consent of a sovereign State. This basic concept regarding Additional Protocol has been affirmed by the 2010 NPT Review Conference (NPT/CONF.2010/50 (Vol. I)) as well as by the IAEA General Conference (GC (56)/RES/13).

2. The Agency is not required, according to the safeguards agreement, to seek to verify the absence of nuclear 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 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 Board of Governors' resolutions against Iran are illegal and unjustified. Moreover, the issue of Iran's peaceful nuclear program has unlawfully been conveyed to the UNSC. In this vein, adoption of politically-motivated, illegal and unjust UNSC resolutions against Iran are neither legitimate nor acceptable. Therefore, any request by the Agency stemming from those resolutions is not justified.

D. New Developments:

1. Three rounds of constructive discussions have been held in Tehran and Vienna since the DG previous report, leading to a "Joint Statement on a Framework for Cooperation" signed by Iran and the Agency on 11 November 2013, according to which, 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". There is no need to reopen those issues that have already been resolved by the IAEA. In this regard, the Agency has agreed to continue to take into account Iran's security concerns, including through the use of managed access and the protection of confidential information.
2. In the recent technical meeting between Iran and the Agency in Tehran, there was a discussion on how to start implementing, in three months, six practical measures inserted in the Annex to "Joint Statement on a Framework for Cooperation".

3. Iran expects that the implementation of voluntary measures, beyond its safeguards agreement commitments, under “Framework for Cooperation” would lead to resolution of all ambiguities regarding Iran’s peaceful nuclear activities and to the implementation of safeguards in a routine manner. Iran has already started implementing practical measures specified in the Annex to the “Framework for Cooperation” as reflected in the Agency’s report.
4. It is hoped that the cooperative atmosphere and constructive engagement created between Iran and the Agency would lead to removal of ambiguities regarding exclusive peaceful nature of Iran’s nuclear programme in a step by step manner.