

# Information Circular

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

1. The Secretariat has received a communication dated 4 January 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. 647822**

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 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 Israeli regime's nuclear weapon program.

The Permanent Mission of the Islamic Republic of Iran would like to request the latter to circulate the present letter among the Member States and publish it 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 Secretariat of the International Atomic Energy Agency the assurances of its highest consideration.



**Secretariat of the International Atomic Energy Agency (IAEA)**

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

No. 2920

04 January 2021

**Excellency,**

I am writing to you regarding the urgent need for addressing Israeli regime's nuclear status.

Since all in the Middle East region, except Israeli regime, are parties to the Nuclear Non-Proliferation Treaty (NPT) and have undertaken to accept the Agency's comprehensive Safeguards, development of a clandestine nuclear weapon program by Israel poses a continuing serious threat not only to the security and stability of the region and the world, but also to the effectiveness and efficiency of the NPT and the Agency's safeguards regime. Development of nuclear explosive devices of any kind by anybody should raise alarms anywhere, and there should be any difference. It should be rejected promptly and without any prejudices. Needless to say that Israel is not also a party to any of other major treaties governing weapons of mass destruction (WMD) non-proliferation.

The Review and Extension Conference of the Parties to the NPT which was held in May 1995 adopted a package of decisions in which the Resolution on the Middle East was an integral part of the decision to an indefinite extension of the NPT. This resolution reflects the concerns of the States Parties to the Treaty about the dangerous situation in the Middle East resulting from the presence in the region of nuclear activities not subject to the IAEA safeguards, which puts regional and international peace and security at risk. It is worthy to recall that the Conference called on those remaining non-parties to the Treaty *"to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept the IAEA safeguards on all their nuclear activities"*. The Conference also *"noted with concern the continued existence in the Middle East of unsafeguarded nuclear facilities, and ... urged*

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*those non-parties to the NPT that operate unsafeguarded nuclear facilities to accept full-scope IAEA safeguards”.*

The sixth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in May 2000 also followed developments in the implementation of the resolution on the Middle East issued at the previous Review Conference, and reaffirmed the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

In the same line, the Seventh Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in May 2010 reaffirmed that the resolution on the Middle East adopted by the 1995 Review and Extension Conference is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995. The Conference also recalled the affirmation by the 2000 Review Conference of the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under the comprehensive IAEA safeguards.

#### **Excellency,**

It is noteworthy that Israeli nuclear capabilities and the associated threats have also long been on the agenda of the United Nations General Assembly and the International Atomic Energy Agency for decades, and many resolutions were adopted in those fora in this regard. “Israeli nuclear capabilities and threat” has been on the agenda of the General Conference of the International Atomic Energy Agency from 1987 to 2010, and the General Conference has adopted resolutions calling upon Israel to place its nuclear facilities under Agency safeguards and to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear weapon party. The resolutions also urged the Director General to work with the States concerned towards that end. Since

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2010 also, this issue is always raised and followed under the “any other business” agenda of the General Conference and the Board of Governors.

Regrettably, despite all these efforts, Israel continues to ignore the international community by downplaying the significance of the Treaty, denying to accede to the Treaty and refusing to place all its nuclear facilities and activities under the Agency’s comprehensive safeguards. Furthermore, irrespective of successive General Assembly resolutions since 1994, and the above-mentioned IAEA General Conference resolutions, which reflects the international consensus on disarmament and non-proliferation and the establishment of a nuclear weapon-free zone in the Middle East, Israel continues to develop an advanced nuclear weapon program in defiance of international calls, with clear negative impact on peace and stability in the Middle East region and beyond.

#### **Excellency,**

It is worth mentioning that while the Agency’s Members’ nuclear capabilities progressed since the 1960s, the Agency’s safeguards cannot and should not be anachronistically remained in the late 60s for some parties, as if nothing has changed since then, especially with the emergence of NPT and the Comprehensive Safeguards Agreements. It is deplorable that, even after five decades of development of the Comprehensive Safeguards Agreement, the IAEA still implements item-specific safeguards agreement based on INFCIRC/66/Rev.2 in Israel, which is a relic of the pre-NPT era. Under this agreement, the IAEA applies safeguards to only specific – not all-non-nuclear weapon material and facilities. It is a matter of deep regret that this deficiency in the Safeguards system applied by the Agency to Israel is often politically overlooked.

Ironically, Israel is now even enjoying a more preferential treatment as compared with that of the Nuclear Weapon States, since they are members to the NPT and have several obligations specifically under Articles I and VI of the Treaty, while for being still out of the Treaty, Israel is free from any obligations under the Treaty, and enjoys all

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advantages of the IAEA Statute which are interlinked with the NPT. Such a situation has given Israel the audacity to ridicule the authority and mandate of the Agency in preventing the diversion of its nuclear materials and activities. Most importantly, Israel has become so cynically bold as to manipulate the realities and criticize other Members of the NPT on the account that they have obligations due to their membership in the Treaty, but Israel has not.

It is a clear contradiction that a non-member of the NPT is enjoying the full rights and privileges due to its membership to the IAEA, while at the same time, it considers itself free from any responsibility, and participates in all deliberations of the Agency related to members of the NPT. This is a very serious shortcoming and failure in the work of the Agency, which should be addressed properly.

It should be noted that, since the entry into force of the NPT, four members of the Agency could develop nuclear weapons who are not members of the NPT. While one of the three pillars of the Treaty is non-proliferation of nuclear weapons beyond the five Nuclear Weapon States, unfortunately, the Agency and the NPT were not successful in terms of non-proliferation. Since the proliferation of such weapon-possessors from five to nine occurred amongst those who were either not party to the NPT or withdrew from it, the root-causes of such proliferation is to be found outside the Treaty's Member States. Instead of uprooting the root-causes, yet another contradiction is that, the Agency, its Secretariat, the Board of Governors and the General Conference are all concentrating on the Members of the NPT. Therefore, it is a chronic strategic mistake to overlook Israel's nuclear materials and activities in the volatile region of Middle East.

In this situation, what is the advantage of being both a NPT member and fully implementing the Agency's safeguards as compared with those who are not the members of the NPT? How could the international community see the IAEA as a serious, professional and impartial partner when it does not pursue evenly and justly the implementation of its comprehensive safeguards regime for all its Members, and yet does not seriously discuss the necessity of verification activities and inspections of, for-

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instance, Israel's nuclear program? Doesn't the policy of silence and negligence about Israel's nuclear program and the inaction policy in this regard, send a negative message to the members of the NPT meaning that *"being a member of the Treaty equals accepting the most robust monitoring and verification, while being outside the Treaty means to be free from any obligation and criticism, and even be rewarded"*?!

**Excellency,**

We believe, overlooking such an important issue, directly affects the regional and international peace and stability, challenges the established global disarmament and arms control norms, and damages the credibility and viability of the current disarmament and arms control architecture, including the IAEA and its safeguards regime.

Since, the key purpose of the IAEA safeguards is to provide credible assurances to the international community that nuclear material and other specified items are not diverted from peaceful uses to nuclear weapons or other nuclear explosive devices, it is an imperative for the Agency to insist on carrying out the prescribed functions for achieving such objectives through implementation of its safeguards throughout the world and in an indiscriminate manner.

In view of this, it is also imperative that the issue of universality of the NPT and specifically the nuclear weapon capability in the Middle East be dealt with without any prejudices. The IAEA must be honest about Israel's nuclear arsenal and act based upon facts on the ground to show that the universal adherence to the NPT still remains a fundamental objective of the international community. Such an unreliable approach has led Israel to threaten others in the Middle East, as a result of which, the policies of this regime have obstructed all initiatives to free the region of the Middle East from weapons of mass destruction, and in particular from nuclear weapons.

Hence, the professional rationale requires the Agency to take measures for the objective of the implementation of the safeguards in the whole Middle East, and provide

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the Member States with independent and impartial assessment and reporting on who, how, why and to which extent impaired the professional work of the Agency.

The Agency has a distinct role in implementing the decisions and resolutions of the General Conferences and must take a clear stand on unacceptability of Israel's remaining outside the NPT framework and its continuing defiance to placing all its nuclear activities and facilities under the Agency's comprehensive safeguards system. Thus, it is necessary to ensure that the International Atomic Energy Agency plays its role in dealing with this important issue, which is the core cause of concern for the international community as a whole and an additional source of instability and insecurity in the Middle East region. The Agency has no choice but to take appropriate measures to ensure that Israel places all its nuclear installations under the Agency's safeguards and accedes to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear weapon party.

In this context, the Secretariat of the Agency and the Member States are seriously expected to fully comply with Article II of the Statute of the IAEA and refrain from any technical cooperation with Israel. This Article requires the Agency that it "*shall ensure that assistance provided by it or at its request or under its supervision or control is not used in such a way to further any military purpose*".

I would also like to draw the attention of other members of the Treaty to the threats posed as a result of Israel's nuclear weapons and request them to support addressing this issue at the meetings of the Agency's Board of Governors and the General Conference as well as the tenth Review Conference of the NPT. Indeed, the Agency's and its Secretariat's efforts should not be stopped until the total elimination of nuclear weapons and complete disarmament is fully achieved.

**Excellency,**

In view of the above, the Director General has a dire role in this regard and should explicitly and categorically call upon Israel to accede to the NPT promptly and without

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any precondition as a non-nuclear party, and place all its nuclear materials and facilities under the Agency's comprehensive safeguards. Therefore, it is requested, **Your Excellency**, to take necessary measures in addressing the concerns raised in this letter and keep the Member States informed about the results.

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**