

# Board of Governors

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## 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 Agreement<sup>1</sup> and the Additional Protocol<sup>2</sup> 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.

### **B. Evaluation of safeguards-relevant information**

2. The comprehensive evaluation of all safeguards-relevant information available to the Agency is essential in ascertaining that there are no indications of diversion of declared nuclear material from peaceful nuclear activities and that there are no indications of undeclared nuclear material and activities in a State with a comprehensive safeguards agreement.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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. Since 16 January 2016 Iran has been provisionally applying the Additional Protocol in accordance with Article 17(b) of the Additional Protocol, pending its entry into force.

<sup>3</sup> See, for example, 'The Safeguards Implementation Report for 2019', GOV/2020/9, paras 11 and 12.

3. The Agency's evaluations regarding the absence of undeclared nuclear material and activities for Iran are ongoing. All safeguards-relevant information available to the Agency related to Iran is subject to an extensive and rigorous corroboration process.<sup>4</sup> As previously reported,<sup>5</sup> as a result of its ongoing evaluations, the Agency identified a number of questions related to possible undeclared nuclear material and nuclear-related activities at three locations in Iran that had not been declared by Iran.<sup>6</sup> In July and August 2019, the Agency requested responses to these questions from Iran, pursuant to Article 69 of the Safeguards Agreement and Article 4.d. of the Additional Protocol. The Agency provided Iran with detailed information upon which the Agency had made its requests.

4. Based on the Agency's technical analysis, including evaluation of all safeguards-relevant information, the questions and requests for clarifications relate to the three locations indicated below as follows:

- The possible presence in Iran between 2002 and 2003, at a location later identified by the Agency to Iran<sup>7</sup>, of natural uranium in the form of a metal disc, with indications of it undergoing drilling and hydriding, which may not have been included in Iran's declarations; the origin of this disc; and where such material is currently located. As previously reported by the Agency,<sup>8</sup> this location underwent extensive sanitization and levelling in 2003 and 2004. Consequently, the Agency has assessed that there would be no verification value in conducting a complementary access at this location;<sup>9</sup>
- The possible use or storage of nuclear material and/or conducting of nuclear-related activities, including research and development activities related to the nuclear fuel cycle, at a location in Iran specified by the Agency.<sup>10</sup> This location may have been used for the processing and conversion of uranium ore including fluorination in 2003. This location also underwent significant changes in 2004, including the demolition of most buildings; and
- The possible use and storage of nuclear material at another location specified by the Agency<sup>11</sup> where outdoor, conventional explosive testing may have taken place in 2003, including in relation to testing of shielding in preparation for the use of neutron detectors. From July 2019 onwards, the Agency observed activities consistent with efforts to sanitize part of the location.

5. As previously reported, having not received any clarifications from Iran, on 26 and 27 January 2020, the Agency notified Iran, pursuant to Article 4.b.(i) and Article 5.c. of the Additional Protocol, to provide access to the two specified locations (referred to in the second and third bullets of para. 4 above). The access was to carry out location-specific environmental sampling for the purpose of assisting the

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<sup>4</sup> The Agency follows the same process for all States with a safeguards agreement in force.

<sup>5</sup> See GOV/2020/15.

<sup>6</sup> These locations do not include the location at which the Agency has identified particles of anthropogenic natural uranium (see GOV/2019/55, para. 29, GOV/2020/5, para. 32 and GOV/2020/26, para. 33).

<sup>7</sup> At the meeting on 16 May 2020 (see para. 8 below), the Deputy Director General and Head of the Department of Safeguards identified the location to Iran by name.

<sup>8</sup> See GOV/2004/60, para. 6.

<sup>9</sup> On 4 June 2020, the Agency informed Iran that, as discussed at the meeting in Tehran on 16 May 2020 (see para. 8 below), the Agency plans to perform an additional physical inventory verification (PIV) at a declared facility in Iran to re-verify the natural uranium in the form of metal declared by Iran in 2003 as having been produced during previously undeclared conversion experiments carried out between 1995 and early 2002 (see GOV/2003/75, Annex 1, para. 25 and GOV/2004/60, Annex, para. 2).

<sup>10</sup> The Agency provided Iran with the geographical coordinates of the location.

<sup>11</sup> The Agency provided Iran with the geographical coordinates of the location.

Agency in assuring the absence of undeclared nuclear material and activities at these locations and to resolve the Agency's questions. On 27 January 2020, Iran informed the Agency verbally that it was unable to provide access to either location and in a letter dated 28 January 2020, informed the Agency, inter alia, that, in relation to the Agency's requests for information referred to in the three letters above, "[t]aking into consideration Para 14 (Section C) of the JCPOA... and also Resolution of the Board of Governors dated 15 December 2015 (GOV/2015/72), the Islamic Republic of Iran will not recognize any allegation on past activities and does not consider itself obliged to respond to such allegations".

6. In its reply dated 31 January 2020, the Agency noted with serious concern that Iran had not satisfied the Agency's requests for clarifications and access, under Article 5.c. of the Additional Protocol, to the two locations specified by the Agency; had not offered other means to resolve the Agency's related questions; and had not engaged in substantive discussions with the Agency to clarify these questions. The Agency reiterated its request to Iran to facilitate Agency access or, if it was unable to do so, to "make every reasonable effort to satisfy Agency requirements, without delay, at adjacent locations or through other means", as required pursuant to Article 5.c. of the Additional Protocol. The Agency made clear that its requests for clarifications and access were strictly in accordance with the Safeguards Agreement and the Additional Protocol, and not related to its verification and monitoring of Iran's nuclear-related commitments under the Joint Comprehensive Plan of Action (JCPOA).

7. On 11 February 2020, the Director General and H.E. Ali Akbar Salehi, Vice President and Head of the Atomic Energy Organization of Iran, met in Vienna and discussed matters related to the implementation of Iran's NPT Safeguards Agreement and Additional Protocol and agreed to continue technical discussions in order to address this issue.

8. On 29 April and 16 May 2020, the Deputy Director General and Head of the Department of Safeguards had technical discussions in Tehran with officials of the Atomic Energy Organization of Iran and the Iranian Ministry of Foreign Affairs. In this connection, in a letter dated 21 May 2020, the Agency provided Iran with additional information, both open source and information provided previously by Iran to the Agency in 2003<sup>12</sup>, relating to the original letters (see paras 3 and 4 above) and to the technical basis underlying the reasons for the Agency's questions identified in its three separate letters and requests for access (see para. 5 above).

9. In a letter dated 2 June 2020, Iran informed the Agency that Iran "is willing to satisfy the Agency's requests as it did in the past". However, it indicated that "there are some legal ambiguities and concerns which need to be addressed" and that following the discussions on 16 May 2020 it was "still waiting for further clarifications by the Agency". Iran suggested that "[g]iven the extensive cooperation between the Agency and Iran and significant amount of verification activities going on" in the country, its "position on such non-urgent issue should not be called as 'denial'" and invited the Agency to hold "further discussions".

10. In its reply, dated 4 June 2020, the Agency reminded Iran that the Agency's requests for clarification and access were strictly in accordance with the Safeguards Agreement and the Additional Protocol, and, therefore, there were no legal ambiguities regarding the Agency's rights and obligations thereunder. The Agency regretted that its provision of additional information in its letter of 21 May 2020 (see para. 8 above) was not taken into consideration in Iran's letter of 2 June 2020, and noted that there was no need for further clarification regarding the technical basis underlying the Agency's access. The Agency reminded Iran that the Additional Protocol requires Iran to make every reasonable effort to satisfy the Agency's access requirements without delay and reiterated its serious concern that, for over

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<sup>12</sup> GOV/2003/75, Section C.1.

four months, Iran had denied access to the two above-mentioned locations identified by the Agency, and, for almost a year, had not provided the Agency with the required answers to its questions.

## **C. Summary**

11. The Agency notes with serious concern that, for over four months, Iran has denied access to the Agency, under Article 4.b(i) and Article 5.c. of the Additional Protocol, to two locations and, for almost a year, has not engaged in substantive discussions to clarify Agency questions related to possible undeclared nuclear material and nuclear-related activities in Iran. This is adversely affecting the Agency's ability to clarify and resolve the questions and thereby to provide credible assurance of the absence of undeclared nuclear material and activities at these locations in Iran.

12. The Director General calls on Iran immediately to cooperate fully with the Agency, including by providing prompt access to the locations specified by the Agency in accordance with its obligations under the Safeguards Agreement and the Additional Protocol.

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