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Item 5(c) of the provisional agenda
(GOV/2022/7/Rev.1)

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 Iran's treatment of Agency inspectors.

B. Background

2. As previously reported, the Director General has 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.³ Iran has informed the Agency that it does not

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).

³ GOV/2021/15, para. 19.

have a plan to construct a new nuclear facility in the near future and also informed the Agency of its readiness to work with the Agency to find a mutually acceptable solution to address the issue.⁴

3. In his reports to the Board of Governors in June and September 2021, the Director General provided a summary of the Agency's findings in relation to four undeclared locations in Iran (identified as Locations 1, 2, 3 and 4), and Iran's responses to the Agency's requests for clarification.⁵ 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 (Locations 1, 3 and 4), 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. In these reports, the Director General also indicated that Iran had not answered the Agency's questions with regard to another undeclared location (Location 2) 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 the issues related to these four locations 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.⁶

C. Exchanges of information and assessments

4. As previously reported,⁷ following constructive consultations between the Director General and the Vice-President of Iran and Head of the Atomic Energy Organization of Iran (AEOI) on 15 December 2021, Iran and the Agency agreed to continue to work on the remaining outstanding safeguards issues with the aim of resolving them. To this end, it was also agreed that Iran and the Agency would conduct a series of exchanges of information and assessments including through meetings of experts.

5. As previously reported, the Agency has conducted verification activities under Iran's Safeguards Agreement at a declared facility (the Jabr Ibn Hayan Laboratories (JHL)) in Iran, the purpose of which 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.⁸ Although during these verification activities the Agency was not able to identify this disc from amongst those stored at JHL, it could not exclude that the disc had been melted, re-cast and may now be part of the declared nuclear material inventory at JHL.

6. In a letter dated 14 January 2022, the Agency, based on its evaluation of all safeguards-relevant information available to it, provided Iran with its technical assessment of the issue related to Location 2. The Agency assessed that in 2003 at Location 2, at least one natural uranium metal disc, out of ten such discs available (totalling approximately 10 kg), underwent drilling to produce metallic flakes. These flakes were subsequently subjected to chemical processing on at least two occasions at the same location. These activities and the nuclear material used therein at Location 2 were not declared by Iran to the Agency as required under the Safeguards Agreement.

⁴ GOV/2021/29, para. 25.

⁵ GOV/2021/29 and GOV/2021/42.

⁶ GOV/2021/29, paras 27 and 28.

⁷ GOV/INF/2021/47.

⁸ GOV/2020/30, footnote 9, GOV/2021/15, para. 16, GOV/2021/42, para. 15 and GOV/2021/52, para. 5.

7. As a result of the aforementioned verification and assessment, the Agency informed Iran that the Agency had no additional questions on the issue related to Location 2 and, therefore, that this issue could be considered as no longer outstanding at this stage.

8. At Iran's invitation, senior Agency officials participated in technical discussions with senior Iranian officials in Tehran on 9 February 2022, at which they considered possible ways forward aimed at clarifying and resolving the safeguards issues. These discussions paved the way for the subsequent agreed Joint Statement.

D. Joint Statement

9. Following further consultations between the Agency and Iran, on 5 March 2022, the Director General and the Vice-President of Iran and Head of the AEOI agreed on a Joint Statement for the clarification of the issues mentioned in GOV/2021/52 of 17 November 2021. The Agency and the AEOI agreed, in continuation of their cooperation as stated in the Joint Statement of 26 August 2020, to accelerate and strengthen their cooperation and dialogue aimed at the resolution of the issues. The Joint Statement sets out a series of actions to be taken by the Agency and Iran, upon completion of which and following the corresponding evaluation by the Agency, the Director General will aim to report his conclusion by the June 2022 Board of Governors (see Annex).

E. Agency Inspectors

10. The Agency has witnessed that in the application of security checks involving Agency inspectors there have been no instances of inappropriate action by Iranian security personnel during this reporting period. Nevertheless, as of the date of this report, Iran had yet to respond to the Agency's letter of 16 November 2021 concerning certain of Iran's security procedures being inconsistent with the privileges and immunities of the Agency and its inspectors.⁹

F. Summary

11. The Director General welcomes the agreed Joint Statement with the Vice-President of Iran and looks forward to the timely clarification and resolution of the outstanding safeguards issues.

12. While acknowledging that Iran has informed the Agency that it does not have a plan to construct a new nuclear facility in the near future, 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.

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

⁹ GOV/2021/52, Section D.

Annex

Joint Statement

by HE Mr Mohammad Eslami, Vice-President and President of the Atomic Energy Organization of Iran, and HE Mr Rafael Grossi, Director General of the International Atomic Energy Agency

Tehran, 5 March 2022

The Vice-President of the Islamic Republic of Iran and President of the Atomic Energy Organization of Iran (AEOI) and the Director General of the International Atomic Energy Agency (IAEA) agreed on the following Joint Statement for the clarification of the issues mentioned in GOV/2021/52 of 17 November 2021.

The AEOI and the IAEA agreed, in continuation of their cooperation as stated in the Joint Statement of 26 August 2020, to accelerate and strengthen their cooperation and dialogue aimed at the resolution of the issues.

In this context, the AEOI and the IAEA agreed on the following:

1. The AEOI will provide to the IAEA no later than 20 March 2022 written explanations including related supporting documents to the questions raised by the IAEA which have not been addressed by Iran on the issues related to three locations.
2. Within two weeks after receiving the AEOI's written explanations and related supporting documents, the IAEA will review this information and will submit to the AEOI any questions on received information.
3. Within one week after the IAEA has submitted to the AEOI any questions on such information, the IAEA and AEOI will meet in Tehran to address the questions. Separate meetings will be held for each location.
4. Upon completion of the activities set out in paragraphs 1 to 3 above and following the corresponding evaluation by the Agency, the Director General will aim to report his conclusion by the June 2022 Board of Governors.