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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 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.

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.³

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. 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.

³ See, for example, 'The Safeguards Implementation Report for 2018', GOV/2019/22, 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.⁴ 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.

4. These questions were included in three separate letters⁵ – one for each location – in which the Agency, pursuant to Article 69 of the Safeguards Agreement and Article 4.d. of the Additional Protocol, requested Iran, inter alia, to provide clarifications on whether:

- Natural uranium, as described by the Agency in its letter, had been used in particular activities at an unspecified location in Iran and where any such material is currently located;
- Iran had used or stored nuclear material and/or conducted nuclear-related activities, including research and development activities related to the nuclear fuel cycle, at a location specified by the Agency;⁶
- Iran had used or stored nuclear material at another location specified by the Agency.⁷ The Agency also referred to activities, observed by the Agency at the location from early July 2019 onwards, that were consistent with efforts to sanitize part of the location.

The Agency attached to each letter detailed information upon which the Agency had made its particular request.

5. In the absence of a reply from Iran to any of the three aforementioned letters, the Agency sent Iran three reminder letters. The third reminder letter, handed to Iran on 17 January 2020, informed Iran that, as the Agency's request for information had related to possible undeclared nuclear material and activities in Iran, the Agency had reasonably expected to have received Iran's responses by that time.

6. On 26 and 27 January 2020, the Agency, having not received any clarifications from Iran, 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) on 28 and 30 January 2020, respectively. The access was to carry out location-specific environmental sampling for the purpose of assisting the Agency in assuring the absence of undeclared nuclear material and activities at these locations and to resolve the questions identified in the Agency's two letters of August 2019 (referred to in footnote 5). On 27 January 2020, Iran informed the Agency verbally that it was unable to provide access to either location.

7. In a letter dated 28 January 2020, Iran 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".

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

⁵ The letters were dated 5 July 2019, 9 August 2019 and 21 August 2019, respectively.

⁶ The Agency provided Iran with the geographical coordinates of the location.

⁷ The Agency provided Iran with the geographical coordinates of the location.

8. 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).

9. 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.

10. During February and March 2020, the Agency continued to request clarifications and access.

C. Summary

11. Iran has not provided access to the Agency to two locations under Article 4.b.(i) and Article 5.c. of the Additional Protocol and 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 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.