

Information Circular

INFCIRC/779

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Communication dated 3 December 2009 received from the Permanent Mission of the Islamic Republic of Iran to the Agency concerning statements made by the Islamic Republic of Iran in the Board of Governors

The Secretariat has received a Note Verbale dated 3 December 2009 from the Permanent Mission of the Islamic Republic of Iran to the Agency transmitting the text of two statements of the Resident Representative of the Islamic Republic of Iran delivered during the meeting of the Board of Governors on 27 November 2009 under agenda item 4(c) on the “Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran (GOV/2009/74)”.

The Note Verbale and, as requested therein, its enclosures, are circulated herewith for the information of all Member States.

In the name of God



INFCIRC/779
Attachment

تعلق

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ISLAMIC REPUBLIC OF IRAN
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No. 118/2009

03 December 2009

The Permanent Mission of Islamic Republic of Iran to the International Atomic Energy Agency presents its compliments to the Agency's Secretariat and has the honor to request the statement of Ambassador and the Permanent Representative of the Islamic Republic of Iran and his remark after adoption the Resolution delivered to the Board of Governors Meeting on 27 November 2009 under the Agenda item 4 (c) to be circulated 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.



Office of External Relations and Policy Co-ordination
Attn: Mr. Vilmos CSERVENY
Director,
IAEA, P.O. Box 100,
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Statement
by
H.E. Ambassador Ali Asghar Soltanieh
Permanent Representative of the Islamic Republic of Iran to the United Nations
and other International Organizations in Vienna
before the Board of Governors
on Implementation of the NPT Safeguards Agreement
in the Islamic Republic of Iran, Agenda item 4 (c)
IAEA, Vienna, 26-27 November 2009

In the Name of God
The Most Gracious and the Most Merciful

Mr. Chairman,

At the outset, I would like to sincerely congratulate you and wish you all the best and assure you the fullest of my cooperation. I would like to put on record the appreciation of my Government for the valuable support of the NAM as expressed through the statement read out by distinguished Ambassador of Egypt.

The current DG report once again acknowledges the peaceful nature of Iran's nuclear activities. The IAEA has been able to verify non-diversion of Iran's nuclear materials and activities. This report proves that all Iran's nuclear facilities and activities are under the Agency's full surveillance.

Once again the Board of Governors is dealing with the implementation of safeguards in the Islamic Republic of Iran due to political motivation of a few countries. Under the pretext of this issue, they have planning to change the Agency's promotional mandate, which is the main statutory pillar, to a regulatory watchdog approach.

Let me pose a very simple question. In spite of the fact that Iran is fully implementing the NPT, what could be the status quo if Iran were not party to the NPT? Not only it would certainly not have faced such challenges in the IAEA and UN Security Council, but it would have been embraced for nuclear cooperation by the same countries which have created obstacles and imposed illegal resolutions and sanctions!

Mr. Chairman,

Permit me to review the report of the Director General and put on record our assessment and concerns:

General observations:

1. The report, in contradiction to the Agency's statutory mandate, contains tremendous confidential technical details which creates a lot of confusion for various readers, diplomats and the public at large.
2. The report is expected to reflect the results of verification. It has to report simply whether the inspectors have been able to conduct verification or not. If so, whether their findings are consistent with the declarations or not. The Secretariat is not mandated to use qualifiers expressing regret or happiness, but just to report facts on the ground.

Specific Observations:

1. **Suspension:** Uranium enrichment and heavy water research reactor are not suspended, since there is no logical and legal justification to suspend such peaceful activities which are in the framework of the IAEA's Statute and the NPT and under surveillance of the Agency. By the way, it should be reminded that Iran implemented suspension for more than 2.5 years voluntarily, as a non-legally binding and confidence building measure.
2. **Additional Protocol:** AP is not a legally binding instrument and is voluntary in nature. Hence, majority of Member States including Iran are not implementing this voluntary protocol. By the way, it should be reminded that Iran implemented AP for more than 2.5 years voluntarily, and as a confidence building measure.
3. **Modified code 3.1 of Subsidiary Arrangement:** Iran was implementing voluntarily the modified code 3.1 since 2003, but because of the illegal SC resolutions against Iran's peaceful nuclear activities, the implementation of modified code 3.1 was suspended. However, Iran currently is implementing code 3.1 of Subsidiary Arrangement.
4. **Alleged Studies:** It was never the understanding of Iran and the IAEA to categorize the so-called "Alleged Studies" summarily referred to in part III of INFCIRC/711 as an outstanding issue. Moreover, if the so-called Alleged Studies were an outstanding issue, Iran and the IAEA should have developed and agreed on a detailed modality for dealing with it as they did with respect to the six outstanding issues. According to the Work Plan, the Agency was required to submit all documentation to Iran and Iran was only then expected to "inform the Agency of its assessment". No visit, meeting, personal interview, swipe sampling were foreseen for addressing this matter. Notwithstanding the above and based on good faith and in a spirit of cooperation, Iran went beyond the above understanding by agreeing to hold discussions with the IAEA, provided necessary supporting documents and informed the Agency of its assessment. The Islamic Republic of Iran has fully implemented the tasks agreed upon in the Work Plan. Considering the above, the Islamic Republic of Iran is of the belief that its nuclear issue in the Agency is concluded and became normal and thus, the Agency is highly expected to announce that the Safeguards in Iran shall turn into routine manner in accordance with the Work Plan (INFCIRC/711).

5. **Fordow Site:** Iran is committed to declare a facility to the Agency 180 days prior to introducing nuclear materials to it. However, Iran has voluntarily informed the Agency 18 months prior to introduction of materials to the site. Iran, in addition, provided its DIQ, granted unlimited access to the facility, held meetings and provided detailed information, permitted taking swipe samples and reference photos during the 4-days inspection from 25 to 28 October 2009. Last week, the inspectors were granted access to the site to conduct Design Information Verification. The head of the inspection team evaluated their mission as a success and did appreciate Iran's proactive cooperation and granting unlimited access to the site both in Iran at the end of the inspection and during the technical briefing last week here in Vienna. Director General has clearly reported that "The Agency confirmed that the plant corresponded with the design information provided by Iran". I have to recall that the very existence of the site, as a contingency and back-up enrichment plant for Natanz, is due to the fact that nuclear facilities have been under continuous threat of military attack, therefore, the Agency is demanded to protect any information provided during inspection with outmost vigilance and care to prevent any security consequences, a fact which unfortunately has not been observed by the Agency.

Mr. Chairman,

I seek your indulgence to have more time in order to shed some light on the issue of supply of fuel for Tehran Research Reactor:

1. The Agency has to facilitate exchange of information and nuclear material for peaceful purposes among Member States.
2. Member States, particularly parties to the NPT, have an "undertaking", according to Article IV of the Treaty, to cooperate in the area of peaceful uses of nuclear energy.
3. The request for fuel for Tehran Research Reactor was submitted to the Director General on 2nd June 2009. This reactor is a 5MW Light Water Research Reactor producing radioisotopes for medical purposes.
4. During the 53rd General Conference, the Director General informed the President of the Atomic Energy Organization of Iran that Russia and United States have expressed their readiness to supply the fuel. One sheet of non-paper to that effect was handed over. The paper suggested that equivalent amount uranium for the required fuel should be taken from the LEU produced in Iran and transferred for further enrichment to Russia. This was not in the line of normal practice which is to pay and get the fuel in exchange.
5. However in order to create an environment of technical cooperation and to give an opportunity to parties concerned to rectify their past misconducts, including discrimination and double standard policies, the Islamic Republic of Iran welcomed the said proposal, while raising its economic and commercial observations. They are highly expected to seize this opportunity and to provide the fuel for such a humanitarian project.

6. Based on the above positive approach, the Islamic Republic of Iran's experts' team participated at the negotiations held from 19 to 21 October 2009 with a spirit of cooperation and full authority to conclude an agreement upon successful negotiations. I have to reiterate that this process has nothing to do with the so called 5+1 negotiations, since it is dealing with a purely technical project within the domain of the IAEA and not political issues.
7. Although the meeting was constructive and the Director General tried his best, for which I am appreciative, but the consensus was not achieved.
8. As I did announce after the 1st round of negotiations, the Islamic Republic of Iran was ready to participate in the 2nd meeting, as soon as possible, with positive approach, with the expectation of incorporating its legitimate technical and economic concerns, specifically the guarantees and assurances of fuel supply, bearing in mind the past confidence deficit in this respect. Regrettably, the 2nd round of meetings did not take place because of other parties' non readiness.
9. Time is the essence, since the present fuel of Tehran Research Reactor is running out, and about 200 hospitals which receive the radiopharmaceutical would then face humanitarian difficulties. Therefore I expect the Agency and parties concerned to come back to the technical negotiation without further delay.
10. The Islamic Republic of Iran should have firm and objective guaranties in receiving fuel for the Reactor, otherwise other options will be considered.

Mr. Chairman,

In conclusion, I have to put on record that the Islamic Republic of Iran as a responsible country has a crystal clear nuclear policy. It deplores nuclear weapons and calls for "a world without nuclear weapons". It emphasizes on inalienable rights of all nations to benefit from peaceful uses of nuclear energy without any discrimination. The Agency should promptly stop politically motivated debates, such as frustrated political discussions on Iran's peaceful nuclear activities which have already jeopardized its technical nature and mutual confidence and trust among Member States and the Secretariat.

Mr. Chairman, distinguished delegates,

Last but not least is the expression of appreciation to the attempts of H.E. Dr. ElBaradei, during his 12 years tenure, and a sincere wish for the success of our new Director General H.E. Mr. Amano for his challenges ahead. There is a high expectation from the side of the Member States for the promotion of the Agency's main pillar i.e. the technical cooperation, and its depolarization. Of the most essential tenet of an international civil servant is to be impartial and resisting political pressures. I assure you, Sir, the fullest cooperation of my country.

Thank you for your kind attention.

**Statement of H.E. Ali Asghar Soltanieh
Ambassador and Permanent Representative of the Islamic Republic of
Iran to United Nations and other International Organization in Vienna
on the
Resolution of the BOG - 27 November 2009**

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

Mr. Chairman,

At the outset, I should express the deep concern and disappointment of the Government of the Islamic Republic of Iran on the adoption of a hasty and undue resolution imposed by few members on the Board of Governors. The historical resistance of Cuba, Malaysia, Venezuela, Afghanistan, Brazil, Egypt, Pakistan, South Africa and Turkey by voting against or not supporting the resolution proves their commitment to the profound principles of the Non-Aligned Movement as well as the spirit and the letter of the Agency's Statute.

Mr. Chairman,

The resolution has referred to issues such as suspension, Additional Protocol, Modified Code of 3.1 and so-called Alleged Studies which have been thoroughly explained in the course of several meetings including the present session, thus I refrain from further elaboration due to time constraint.

Mr. Chairman, Distinguished Delegates,

This resolution is fully political in nature and lacks any legal and technical basis. It should be noted that in spite of lack of any legal obligation, the Government of the Islamic Republic of Iran, as in the past, proved its good will and decided to declare Fordow Enrichment Plant to the Agency 18 months earlier than the timeline envisaged in Iran's Comprehensive Safeguards Agreement. I have to recall that pursuant to the request by the Director General of the IAEA during his visit to Iran, upon invitation of the President of Iran's Atomic Energy Organization, my Government agreed to provide the Agency the Design Information Questionnaire (DIQ) for Fordow Facility, to permit the inspection and granted unlimited access to the inspectors. The result of the inspection has been reflected in the present DG report, declaring in a crystal clear manner that the findings of the inspectors are consistent with the declaration of Iran.

Now the international community is called upon to judge, whether the outcome of such an extensive cooperation should be a resolution against Iran! Are such

gestures helpful or destructive? They are certainly destructive. They spoil the existing cooperative environment.

What lessons one could learn from such politically motivated developments? Being party to the NPT, implementation of treaty obligations and cooperation even beyond obligations would be responded by pressure, resolutions, sanctions and threat of military attacks where, if one stays out of the Treaty, would benefit from an environment of complete freedom from any inspection and control, punitive measures and more surprisingly, if one acquires and develops nuclear weapons it would be rewarded? What a shameful discriminatory situation we are facing here? Even more shameful is the silence of those preaching peace and justice in the world!

Mr. Chairman,

It seems that past experiences in the IAEA are being intentionally neglected. Hence I deem it appropriate to remind that the immediate consequence of unjustified and illegal behaviour of few States in conveying Iran's nuclear issue to the UN Security Council was the decision of the Iranian parliament mandating the government to suspend the voluntary cooperation of the Islamic Republic of Iran with the Agency in some areas such as implementing Additional Protocol and Modified Code of 3.1.

Adoption of such a resolution is not only not helpful in improving the current situation, but it shall jeopardize the conducive environment vitally needed for a successful process of Geneva and Vienna negotiations expected to lead to a common understanding. This action poses serious doubt about decisive political and good will of other parties in following up the path of interaction and continuation of Geneva and Vienna negotiations.

Mr. Chairman,

In conclusion, I reiterate that the Great Nation of Iran shall never bound to pressure and intimidation vis-à-vis its inalienable right for peaceful uses of nuclear energy. The knowledge is the heritage of mankind and no one has the right to deprive any nation to benefit from it.

Therefore, the Government of the Islamic Republic of Iran has no choice than to fulfil the legitimate expectation of its people in sustaining the peaceful uses of nuclear energy including enrichment activities. Neither resolutions of the Board of Governors nor those of the United Nations Security Council which lack legal basis, and the last but not the least, neither sanctions nor the threat of military attacks can interrupt peaceful nuclear activities in Iran even a second.

Thank you.