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(GOV/2021/24)

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. Issues

2. This section summarizes the Agency's findings in relation to four undeclared locations in Iran and Iran's responses to the Agency's requests for clarification. It covers the period up to and including the Director General's previous report on this subject.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. 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.

B.1. Location 1

3. According to information available to the Agency in September 2018, a location in Iran not declared to the Agency (Location 1) had allegedly been involved in the storage of nuclear material and equipment.⁴ From early November 2018 onwards, the Agency observed, through the analysis of commercial satellite imagery, scraping and landscaping activities at the location.

4. In February 2019, the Agency conducted a complementary access and took environmental samples at Location 1. The Agency detected the presence of natural uranium particles of anthropogenic origin, the composition of which indicated that they might have been produced through uranium conversion activities.⁵ The Agency also detected isotopically altered particles of low enriched uranium,⁶ with a detectable presence of U-236, and of slightly depleted uranium.⁷ The Agency, pursuant to Iran's Safeguards Agreement and Additional Protocol, requested Iran to provide clarifications and information, and to answer questions related to the Agency's findings regarding the presence of these particles.⁸ The Agency assessed the explanations provided by Iran for the presence of these particles to be not technically credible.⁹

B.2. Location 2

5. The Agency found indications at another location not declared by Iran (Location 2) of the possible presence in Iran between 2002 and 2003 of natural uranium in the form of a metal disc, with indications of it having undergone drilling and processing, which may not have been included in Iran's declarations.¹⁰ The Agency identified a number of questions related to this possible undeclared nuclear material and nuclear-related activities, including the origin of this disc and where such material was currently located. In July and August 2019, the Agency requested responses to these questions from Iran, pursuant to its Safeguards Agreement and Additional Protocol, but received no response.

6. In September 2020, as part of its efforts to clarify the safeguards issues related to Location 2, the Agency also conducted additional verification activities under the Safeguards Agreement at a declared facility in Iran where uranium metal had been produced previously. The purpose of these additional activities was to verify whether the natural uranium in the form of a metal disc identified at Location 2 was present at this declared facility.¹¹ However, the result of these verification activities was inconclusive.¹² Iran had yet to answer the Agency's questions.

⁴ Statement by the Deputy Director General for Safeguards to the Board of Governors, 7 November 2019, GOV/OR.1532, para. 11.

⁵ GOV/2019/55, para. 29.

⁶ These particles had been identified as a result of the Agency's further analysis of the samples it took in February 2019 and which was conveyed to Iran for the first time in an Agency letter to Iran, dated 2 September 2020 (see GOV/2020/51, para. 33, footnote 52).

⁷ GOV/2020/51, para. 33, footnote 53. The Agency noted in its letter to Iran dated 2 September 2020 that the compositions of these isotopically altered particles were similar to particles found in Iran in the past, originating from imported centrifuge components (see GOV/2008/4, para.11).

⁸ GOV/2020/51, para. 33.

⁹ GOV/2021/15, paras 6–8.

¹⁰ GOV/2020/30, para. 4, first bullet.

¹¹ GOV/2020/30, para. 4, footnote 9.

¹² GOV/2021/15, para. 16.

B.3. Location 3

7. The Agency found indications at another location not declared by Iran (Location 3) of 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. 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.¹³

8. The Agency identified a number of questions related to this possible undeclared nuclear material and nuclear-related activities. In August 2019, the Agency requested responses from Iran, pursuant to its Safeguards Agreement and Additional Protocol. Iran provided no answers. In January 2020, the Agency sought complementary access to the location to carry out location-specific environmental sampling.

9. Iran initially denied the Agency access to Location 3.¹⁴ Following an agreement between the Agency and Iran in August 2020, however, the Agency conducted a complementary access at the location and took environmental samples. These samples were analysed by the Agency's laboratories at Seibersdorf and by a number of laboratories within the Agency's Network of Analytical Laboratories (NWAL). The analytical results of the environmental samples taken at this location indicated the presence of anthropogenic uranium particles that required explanation by Iran. In January 2021, the Agency conveyed to Iran the results of the analysis and related Agency questions.¹⁵ Iran had yet to answer the Agency's questions.

B.4. Location 4

10. The Agency found indications at another location not declared by Iran (Location 4) of the possible use and storage of nuclear material 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.¹⁶

11. The Agency asked Iran a number of questions related to this possible undeclared nuclear material and nuclear-related activities. In August 2019, the Agency requested responses from Iran, pursuant to its Safeguards Agreement and Additional Protocol. Iran provided no answers. In January 2020, the Agency sought complementary access to the location to carry out location-specific environmental sampling.

12. Iran initially denied the Agency access to Location 4.¹⁷ Following an agreement between the Agency and Iran in August 2020, however, the Agency conducted a complementary access at the location and took environmental samples. These samples were analysed by the Agency's laboratories at Seibersdorf and by a number of laboratories within the NWAL. The analytical results of the environmental samples taken at this location indicated the presence of anthropogenic uranium particles

¹³ GOV/2020/30, para.4, second bullet.

¹⁴ GOV/2020/30, para. 5.

¹⁵ GOV/2021/15, para. 17.

¹⁶ GOV/2020/30, para.4, third bullet.

¹⁷ GOV/2020/30, para. 5.

that required explanation by Iran. In January 2021, the Agency conveyed to Iran the results of the analysis and related Agency questions.¹⁸ Iran had yet to answer the Agency's questions.

C. Recent developments

13. During his trip to Tehran on 21 February 2021, the Director General, expressed his concern at the lack of progress in clarifying the safeguards issues relating to the four locations.

14. In a letter to Vice-President Salehi, dated 3 March 2021, the Director General, in order to break the deadlock and make tangible progress in clarifying and resolving these issues, suggested that technical experts from the Agency and Iran meet in Tehran in April to compare technical understandings of the activities that may have taken place at the locations identified by the Agency, discuss in further technical detail the Agency's observations on the information that had been provided to it so far by Iran, and obtain from Iran any additional elements and information needed to clarify the underlying issues.

15. In a statement to the Board of Governors on 4 March 2021, the Director General expressed his readiness to engage Iran in a proactive and focussed effort to break the impasse, and to clarify and resolve these issues without further delay. The Director General indicated that his expectations were to complete this work promptly.¹⁹ Iran accepted the Director General's offer.

16. Following Iran's acceptance to proceed with the focused effort, the first meeting between the Agency and Iran took place in Vienna, in April. During the discussions, the Agency provided more detail on its technical assessment of the activities that may have taken place at the four locations referred to above. At a second meeting, in Tehran in May, Iran provided an oral statement regarding activities that Iran stated had taken place at Location 4 and which Iran deemed relevant to Location 4, and undertook to provide a written explanation and substantiating documents. However, Iran did not address the Agency's questions relating to Location 4. Nor did Iran provide any information in relation to Locations 1, 2 or 3.

17. In a letter to Vice-President Salehi, dated 24 May 2021, the Director General said that in the course of the bilateral discussions that had taken place so far, the absence of either answers to the Agency's questions or any substantiating documents had made it evident that substantive work was still required.

18. On 26 May 2021, a further meeting took place between the Agency and Iran in Vienna at which Iran provided the Agency with a written statement relating to Location 4, which reflected the oral statement referred to above (paragraph 16), but did not provide any supporting documents to substantiate the written statement. The Agency presented Iran with a number of questions relating Iran's written statement on Location 4. Iran did not provide any information in relation to Locations 1, 2 or 3 at this meeting, although it did indicate that it would provide information in relation to Locations 1 and 3.

19. In a letter dated 27 May 2021, Iran invited the Agency to attend another meeting in Tehran in the week beginning 21 June 2021 "to continue discussions on addressing the remaining two safeguards related issues with a view to their resolution appropriately".

¹⁸ GOV/2021/15, para. 17.

¹⁹ GOV/OR.1573, para. 82.

20. In its reply, dated 31 May 2021, the Agency thanked Iran for the invitation and indicated that it would revert to Iran over the date, noting that the date proposed by Iran would prolong the process that should be concluded without delay.

21. In addition, the Agency also reiterated that as Iran had neither answered Agency questions nor made available the information requested, the Agency was not in a position to reach a satisfactory technical conclusion on any of the issues and that substantive work was still required. In relation to the written statement provided by Iran on Location 4, in particular, the Agency indicated that Iran had yet to answer the Agency's questions or to provide any supporting documents to substantiate the information it had already provided.

22. As part of its efforts to clarify the safeguards issues related to Location 2, the Agency plans to carry out additional verification activities at the declared facility referred to earlier (paragraph 6) to verify whether the natural uranium in the form of a metal disc identified at Location 2 is present at this declared facility.

23. In a letter to the Director General, received on 31 May 2021, Vice-President Salehi indicated to the Director General that "Iran has so far done its utmost efforts to cooperate with the Agency in a substantive manner, actively engage with the Agency in all possible ways, and provide the necessary clarifications and responses" and "would continue to cooperate constructively with the Agency".

24. Since the issuance of the Director General's previous report, Iran has provided no new information in relation to Location 1, has not answered any of the Agency's questions or provided any information in relation to Locations 2 and 3, and provided a written statement on Location 4 without any substantiating documentation.

D. Modified Code 3.1

25. As previously reported,²⁰ 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. As of 23 February 2021, Iran informed the Agency that it had stopped the implementation of modified Code 3.1 of the Subsidiary Arrangements to Iran's Safeguards Agreement.²¹ Subsequently, Iran informed the Agency that it does not have a plan to construct a new nuclear facility in the near future. Iran also informed the Agency of its readiness to work with the Agency to find a mutually acceptable solution to address the issue.

E. Summary

26. The presence of multiple uranium particles of anthropogenic origin at three locations in Iran not declared to the Agency, as well as the presence of isotopically altered particles at one of these locations, is a clear indication that nuclear material and/or equipment contaminated by nuclear material has been

²⁰ GOV/2021/15, para. 19.

²¹ GOV/INF/2021/13.

present at these locations.

27. In its resolution of June 2020, the Board of Governors echoed the serious concern of the Director General that discussions “to clarify Agency questions related to possible undeclared nuclear material and nuclear related activities in Iran have not led to progress” and called on Iran to “fully cooperate with the Agency and satisfy the Agency’s requests without any further delay”.²² After many months, Iran has not provided the necessary explanation for the presence of the nuclear material particles at any of the three locations where the Agency has conducted complementary accesses. In the absence of such an explanation from Iran, the Agency is deeply concerned that nuclear material has been present at the three undeclared locations in Iran and that the current locations of this nuclear material are not known by the Agency. Nor has Iran answered the Agency’s questions with regard to the other undeclared location, or clarified the current location of natural uranium in the form of a metal disc.

28. The Director General is concerned that the technical discussions between the Agency and Iran have not yielded the expected results and of the consequent lack of progress in clarifying the safeguards issues outlined above. Noting Iran’s participation in the focussed effort, the Director General reiterates the requirement for Iran to clarify and resolve these issues without further delay by providing information, documentation and answers to the Agency’s questions. The lack of progress in clarifying the Agency’s questions concerning the correctness and completeness of Iran’s safeguards declarations seriously affects the ability of the Agency to provide assurance of the peaceful nature of Iran’s nuclear programme.

29. Notwithstanding Iran informing the Agency of its readiness to work with the Agency to find a mutually acceptable solution to address the issue of modified Code 3.1, Iran’s decision not to implement modified Code 3.1 is contrary to its legal obligations under the Subsidiary Arrangements to its Safeguards Agreement.

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

²² GOV/2020/34, paras 4 and 5.