

Information Circular

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Communication dated 28 September 2008 received from the Permanent Mission of the Islamic Republic of Iran to the Agency

1. The Secretariat has received a Note Verbale dated 28 September 2008 from the Permanent Mission of the Islamic Republic of Iran, enclosing a document entitled "Explanatory Comments by the Islamic Republic of Iran on the Report of the IAEA Director General to the September 2008 Board of Governors (GOV/2008/38)".
2. The Note Verbale and, as requested therein, its enclosure, are circulated herewith for the information of Member States.



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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 enclosed document entitled "*Explanatory Comments by the Islamic Republic of Iran on the Report of the IAEA Director General to the September 2008 Board of Governors (GOV/2008/38)*", to be published as an official 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.



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Explanatory Comments
By the Islamic Republic of Iran
On the Report of the IAEA Director General (GOV/2008/38)
To the September 2008 Board of Governors

In the Name of God the Most Compassionate the Most Merciful

The Director General reported to the Board of Governors on the Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran, (GOV/2008/38, 15 September 2008). The followings are some explanatory comments by the Islamic Republic of Iran on the report:

- 1- The report once again has confirmed in a crystal clear manner that all nuclear material, activities and facilities in the Islamic Republic of Iran are under full surveillance of the IAEA and the Agency is able to continue its verification of the non-diversion of declared nuclear material and activities. The Director General has acknowledged this fact 14 times in 9 different paragraphs of the report.
- 2- The Islamic Republic of Iran has repeatedly declared that there is no undeclared nuclear activity and material in Iran.
- 3- Suspension which is an experienced way, was a temporary, voluntary and non-legally binding measure, and had been carried out for more than two years and certainly could have not been indefinitely continued.
- 4- The 40 megawatt heavy water reactor in Arak (IR 40) will replace the 5 megawatt research reactor of Tehran that its life time will be soon expired. This reactor is to produce radio isotopes for application in medicine, agriculture and industry. The Agency is well aware of the fact that the research reactor in Arak is under the civil construction, at the same time the Agency is aware of the fact that implementation of such a project is in full compliances with the provisions of the NPT and the Agency's statute as well as the Comprehensive Safeguards Agreement.
- 5- In August 2007, the Islamic Republic of Iran took an initiative for the resolution of outstanding issues with the aim of removing any ambiguities about its peaceful nuclear activities, in the past and present. It should be emphasized that the main objective of conclusion of the Work Plan with the Agency was to resolve outstanding issues once and forever and to prevent

entering into an endless process. In this regard, a Work Plan as reflected in the document INFCIRC/711 was agreed upon between the Islamic Republic of Iran and the Agency. On the basis of the Work Plan, the Agency provided the Islamic Republic of Iran with a list of six outstanding issues. The list consisted of Research on Plutonium, P1-P2 Centrifuges, Source of Contamination in an equipment of a technical university, Uranium Metal Document, Polonium 210, and Ghachin Mine.

- 6- Paragraph 5 of Chapter IV of the Work Plan reads: “The Agency and Iran agreed that after the implementation of the above Work Plan and the agreed modalities for resolving the outstanding issues, the implementation of safeguards in Iran will be conducted in a routine manner.”
- 7- The Director General in his reports in November 2007 and February 2008 explicitly stated that all six outstanding issues had been resolved and the Islamic Republic of Iran had responded to all questions about the outstanding issues in accordance with the Work Plan. Following the successful implementation of the Work Plan which led to the resolution of all six outstanding issues, the United States having been dissatisfied about the results, began a political campaign on a part of the program entitled the alleged studies. Therefore, by interfering in the work of the IAEA and exerting various political pressures the United States attempted to spoil the cooperative spirit between the Islamic Republic of Iran and the IAEA.
- 8- One paragraph in the Work Plan which deals with the alleged studies has not categorized it as an outstanding issue, thus the modality for dealing with this part became different from the six outstanding issues. Chapter III of the Work Plan reads: “As a sign of good will and cooperation with the Agency, upon receiving all related documents, Iran will review and inform the Agency of its assessment.” According to this paragraph the Agency was expected to deliver all documentations to Iran and Iran was only expected to “inform” the Agency of its assessment and no meeting or presenting written response was not set forth in this regard. Nonetheless Iran based on the good faith and in spirit of cooperation agreed to hold discussions with the IAEA and provided necessary documents to the Agency and has done so.
- 9- In spite of the fact that the so called alleged studies documents had not been delivered to Iran, the Islamic Republic of Iran carefully examined all the materials which have been prepared in power point presentations by the US and provided to the IAEA, and informed the Agency of its assessment with the following important points:

- The Agency has not delivered to Iran any official and authenticated document which contained documentary evidence related to Iran with regard to the alleged studies.
- The United States has not handed over original documents to the Agency since it does not have any authenticated document and all it has are forged documents by it. Had the United States provided original documents then Iran could have proved their forgery. The Agency didn't deliver any original documents to Iran and none of documents and materials that were shown to Iran are of authenticity.
- Existing some words in Persian and some Iranian names was the only thing which was used as a basis to attribute these documents to Iran.
- It is evident that anybody who intends to forge a document uses real names to show the material more convincing and internally consistent. The Islamic Republic of Iran however has proved that some of documents produced by the United States not only are not internally consistent but also have clear inconsistency and are in contradiction with typical Iranian standard documentation. In addition, none of these documents bear any classification seals.
- How can one make allegations against a country without provision of original documents with authenticity and ask the country concerned to prove its innocence or ask it to provide substantial explanations.
- Iran has explicitly stated that it has not conducted any activities or studies referred to in the "alleged studies". Therefore slides and documents produced by the United States are fabricated and baseless allegations attributed to Iran.
- The Agency has explicitly expressed in a written document dated 13 May 2008 that: "... no document establishing the administrative interconnections between "Green salt" and the other remaining subjects on alleged studies, namely "Highly explosive Testing" and "Re-entry Vehicle", have been delivered or presented to Iran by the Agency". Regrettably this explicit expression of the fact which has not been reflected in the DG report, proves that in contrary to what has been said in the report, the documents related to the alleged studies lack any internal consistency and coherence.
- Taking into account the above-mentioned facts, and that no original document exists on the alleged studies, and there is no valid and documentary evidence purporting to show any linkage between such fabricated allegations and Iran, and no use of any nuclear material in connection to the alleged studies (because do not exist in reality), also bearing in mind the fact that Iran has fulfilled its

obligation to provide information to the Agency and its assessment, and the fact that the Director General has already indicated in his report in June and September 2008 that the Agency has no information on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon or of certain other key components, such as initiators, or on related nuclear physics studies, therefore this subject must be closed.

- 10- Paragraph 2 of chapter IV of the Work Plan reads: "The Agency agreed to provide Iran with all remaining questions according to the above Work Plan. This means that after receiving the questions, no other questions are left. Iran will provide the Agency with the required clarifications and information."
- 11- According to paragraph 2 of chapter IV of the Work Plan and the time frame which stipulated in the Work Plan, the Agency was obliged to provide all questions related to the Work Plan by 15 September 2007. If the Agency was of the view that the alleged studies was among those other few outstanding issues it should have provided questions as it did for other six outstanding issues. Therefore this trend of addressing new and unlimited range of questions cannot be continued and no new question in this regard could be accepted. Of course new questions, if any, could be raised after the implementation of the safeguards in Iran turned into a routine manner, then Iran would be ready to respond in accordance with its legal and safeguards obligations.
- 12- The first paragraph of chapter IV of the Work Plan reads: "These modalities cover all remaining issues and the Agency confirmed that there are no other remaining issues and ambiguities regarding Iran's past nuclear program and activities."
- 13- If it was intended to raise other issue in addition to the alleged studies (Green Salt, Re-entry Missile, High Explosive test) such as possible military dimension, since all outstanding issues have been incorporated in the exhausted list prepared by the IAEA during the negotiations, then it should have been raised by the Agency in the course of the negotiations on the Work Plan. One can clearly notice that no item entitled "possible military dimension" exists in the modalities.
- 14- In accordance to the first paragraph of chapter IV of the Work Plan which reads that "These modalities cover all remaining issues and the Agency confirmed that there are no other remaining issues and ambiguities regarding Iran's past nuclear program and activities, introducing a new

wording in paragraph 14 of the DG report reading that “there remain a number of outstanding issues” or in paragraph 23 of the report which reads “other associated key remaining issues” not only is in contrary to the Work Plan but also is in contradiction to the pervious DG report (GOV/2008/4, Para 54) which acknowledges “The one major remaining issue relevant to the nature of Iran’s nuclear program is the alleged studies”.

- 15- Paragraph 15 of the report reads: “Iran reiterated its assertion that the allegations were based on “forged” documents and “fabricated” data, focusing on deficiencies in form and format”. Although Iran has already addressed the substances of the documents and has proved their invalidity, it should be noted that “form” and “format” of the documents have their own merits to prove their forgery. It is noteworthy that the Agency had also questioned “form” and “format” during the meetings on 7-8 August 2008 about the Iran’s responses to the alleged green salt (as it was referred to in para17 (b) of the report). For instance why the copy of the first page is “folded” or the fonts are different and considered them as inconsistency. Meanwhile in the same paragraph (Para 17b) the Agency has requested Iran to provide the original documents. Similarly the legitimate question is: why Iran shouldn’t have the right to ask for receiving the original documents on the alleged studies.
- 16- In the footnote number 5 of the report, the Agency indicates that the documentation presented to Iran appears to have been derived from multiple sources over different periods of time. The fact is that all documentation listed in the 25 April 2008 letter which has been shown to Iran, except one (document 18) has been provided to the Agency by the US. The single document is composed of 3 pages of graphs which the Agency claims that obtained it from a different source in 2008.
- 17- In paragraph 14 of the report, regrettably the Agency re-opened an already-concluded issue, an issue which the Agency explicitly announced its conclusion through a written text. The Agency acknowledged in a written communication dated 8 November 2007: “Iran delivered the 15-page document related to the procedures for the conversion of uranium and its casting. This closes the u-metal issue of the Work Plan.” The Agency re-confirmed the conclusion of this issue in its communication dated 23 November 2008 and further added: “The Agency appreciates Iran for delivering the document and confirms that this action of the Work Plan is completed.”
- 18- In paragraph 17D of the report the reference is made to the document 18, the document which the Agency is considering it as an important document

regarding alleged studies. There is no evidence or indication in this document regarding its linkage to Iran or its preparation by Iran. It even does not contain one single word in Persian. The document only contains some English words and 3 hand-drawn graphs drawn by the Agency. This document is shown in order to be judged by the Board of Governors members whether it is fair to make accusation against a country merely on the basis of such an unauthentic and forged document?!

- 19- Paragraph 17 of the DG's report mentioned about the possibility of foreign assistance in experiments and expressed that it had provided the entailed information. Firstly this is another type of accusation and shows the validity and legitimacy of Iran's concern on possibility of involving the Agency in an endless process. Secondly based on the Work Plan any question and ambiguity should have been provided to Iran by 15 September 2007. Afterwards no question or ambiguity should be raised. Thirdly no detailed information has been provided to Iran. Fourthly the allegation is basically false and forged.
- 20- In the report there are various false quotations attributed to Iran including:
- Iran has confirmed some of information on Alleged Studies (Para 15).
 - Iran has confirmed the accuracy of some of such information and confirmed some of alleged activities (Para 16).
 - Iran has asserted some of these studies and considered them as conventional (17e).
 - Iran has not opposed to the accuracy of alleged information (Para 18 of GOV/2008/15).
- 21- From the beginning, Iran clearly stated and confirmed that it has not conducted any of studies and activities related to the alleged studies and added those are produced and forged by the United States and all are baseless, incorrect and forgery. Therefore these are false attributions to Iran.
- 22- In Paragraph 3, chapter IV of the Work Plan, the Agency has acknowledged that "the Agency's delegation is of the view that the agreement on the above issues shall further promote the efficiency of the implementation of safeguards in Iran and its ability to conclude the exclusive peaceful nature of the Iran's nuclear activities". On this basis while the Work Plan has been implemented, the Agency is obliged to confirm the exclusive peaceful nature of Iran's nuclear activities. The Agency does not have any obligation to comment on the implementation of the Additional Protocol especially due to the fact that the ratification and implementation of an instrument with a voluntary nature is not subject to the Agency's engagement. As a matter of

fact more than 100 NPT Member States has not done so yet and only 82 countries ratified and/or implemented the Additional Protocol.

23- Although the Islamic Republic of Iran voluntarily implemented the Additional Protocol for more than two and a half years, a few countries in an opposite direction to this measure and the other voluntary measures carried out by the Islamic Republic of Iran, conveyed Iran's nuclear issue to the United Nations Security Council. Afterwards Iran's voluntary measures were suspended based on the law adopted by the Iranian Parliament. Now it is not Iran but those countries which brought the issue to the UN Security Council should be blamed.

24- Based on the abovementioned facts:

- There is no original document regarding alleged studies.
- There is no documentary evidence regarding linkage of so called alleged studies to Iran.
- Iran has accomplished its undertaking to present its assessment on alleged studies to the Agency.
- As DG stated in its latest reports, the Agency has not detected the actual use of nuclear material in connection with the alleged studies.
- As DG stated in its latest reports, the Agency has no information on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon or of certain other key components.
- According to the Work Plan the Alleged Studies has been concluded.
- Considering provided detailed responses, the Agency is in a position to close so called Alleged Studies.
- Therefore, in accordance with the modalities, implementation of Safeguards in Iran shall be conducted in a routine manner.
- It is obvious that aftermath, Iran in accordance with its legal and safeguards obligations like other member states, would be ready to respond new questions if any.