

Information Circular

INFCIRC/739

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General Distribution

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Communication dated 3 October 2008 received from the Resident Representative of the Islamic Republic of Iran to the Agency concerning the Safeguards Implementation Report for 2007

1. The Director General has received a communication dated 3 October 2008 from the Resident Representative of the Islamic Republic of Iran to the Agency regarding the Safeguards Implementation Report for 2007.
2. As requested therein, the communication is herewith circulated for information.



*Permanent Mission of
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No. 110/2008

3 October 2008

Excellency,

Upon an instruction from my Government, I wish to draw your attention to the following serious factual mistake in documents SIR for 2007 and the Safeguards Statement for 2007 and request you to rectify this mistake in all the records of the Board of Governors and the General Conference of IAEA.

1. You will recall that pursuant to the negotiations between your Excellency and the then Secretary of Supreme National Security Council of Iran in 2007, the Islamic Republic of Iran took an important initiative in July 2007 to resolve all outstanding issues and remove any ambiguity concerning the nature of its peaceful nuclear activities in the past and present. It should be emphasized that the main objective of the subsequent Work Plan that was agreed between Iran and the Agency on 21 August 2007 (ref. INFCIRC/711) was to resolve, in a step by step manner, all outstanding issues once and for all and to prevent the endless process from being dragged any further.

3. On the basis of the said Work Plan, the Agency provided the Islamic Republic of Iran with a list of six outstanding issues as reflected in part II of INFCIRC/711. The six outstanding issues were: 1. Plutonium Experiments, 2. Issue of P1-P2 Centrifuges, 3. Source of Contamination in an equipment of a technical university, 4. Uranium Metal Document, 5. Polonium 210 and 6. Gachine Mine.

4. It was never the understanding of Iran and IAEA to categorize the so-called "Alleged Studies" summarily referred to in part III of INFCIRC/711 as an outstanding issue, otherwise the parties should have addressed it in part II of INFCIRC/711. Moreover, if the so-called Alleged Studies were an outstanding issue, Iran and IAEA should have developed and agreed on a detailed modality for dealing with it as they did with respect to the six outstanding issues addressed in part II of INFCIRC/711. As a result, Iran and IAEA decided to make a short reference to the Alleged Studies in part III of INFCIRC/711 and to agree on a different approach for addressing it as follows:

"Iran reiterated that it considers the following alleged studies as politically motivated and baseless allegations. **The Agency will however provide Iran with access to the documentation it has in its possession** ... 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.**" (Emphasis supplied).

4. According to the above understanding, the Agency was required to submit all documentation to Iran and Iran was only then expected to “inform the Agency of its assessment”. No meeting, personal interview, cross-examination, etc. 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, provide necessary supporting documents and inform the Agency of its assessment. In the meanwhile, by refusing to submit all documentation to Iran concerning the so-called Alleged Studies, IAEA did not fulfill its obligation under part III of INFCIRC/711.

5. Contrary to the understandings reached in INFCIRC/711, IAEA issued the SIR for 2007 and in paragraph 38 of this document made a serious factual mistake by referring to seven outstanding issues as opposed to six outstanding issues that were agreed in part II of the Work Plan (INFCIRC/711) as well as your reports.

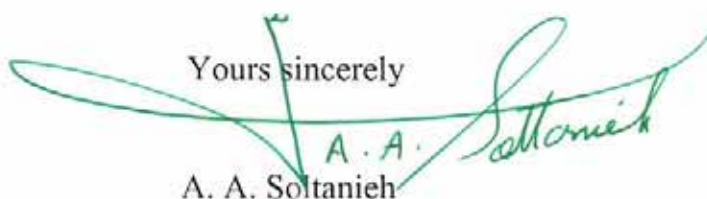
6. In a letter dated 16 July 2008 (Ref. 073/2008), Iran requested the Agency to rectify the above-mentioned serious factual mistake by at least reproducing the exact title of the Work Plan, i.e., “understandings of the I. R. of Iran and the IAEA on the modalities of resolution of the outstanding issues”

7. Regrettably the IAEA did not correct the SIR for 2007 and instead repeated the same serious factual mistake in the subsequent Safeguards Statement for 2007 as well as your statements.

8. It is the strong view of my Government that unless the serious factual mistake is corrected, as is the best practice in all international organizations, it will constitute full contravention of the Work Plan of 21 August 2007 by the IAEA. As such, any legal effects such as subsequent acknowledgments and decisions of Governing Bodies of IAEA that are based on that mistake will have no legal validity.

I request your Excellency to issue this letter as an official document of the Board of Governors and the General Conference of IAEA under the relevant agenda items.

Accept, Sir, the assurances of my highest considerations.

Yours sincerely

A. A. Soltanieh

Ambassador, Resident Representative

H. E. Dr. ElBaradei
Director General,
IAEA