



September 2, 2011

ISIS Analysis Part II: Iran's Critique of May 24, 2011 IAEA Safeguards Report: More Obfuscation

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The International Atomic Energy Agency (IAEA) recently circulated a [communication it received from Iran](#) regarding the [IAEA's latest safeguards report from May 24, 2011](#). In the letter, Iran addresses the safeguards report and criticizes much of its content. ISIS [previously assessed](#) two arguments made by Iran which were lacking in factual basis. Iran first argued falsely that it had provided enough technical details about its nuclear programs and could decide that it did not have to provide more. Iran also argued that it has provided all necessary information on the Fordow Fuel Enrichment Plant, but the IAEA continues to have additional questions about the timing of its construction and purpose.

Below, ISIS assesses two other arguments Iran makes. These arguments, again, lack key information and are not supported by the facts.

Section A, Paragraph 3; Section B, Paragraph 1:

In Section A, Paragraph 3 of its communication to the IAEA, Iran implies that the IAEA's only job is to verify *the non-diversion of declared nuclear material* in Iran, and that it is only required to report whether "all nuclear material are accounted for and remained in peaceful purposes..." Iran writes further in Section B, Paragraph 1 that "The issue of Iran's peaceful nuclear program has been unlawfully conveyed [by the IAEA Board of Governors] to the UNSC [United Nations Security Council] [which adopted] illegal and unjust UNSC resolutions against Iran...Therefore, any request by the Agency stemming from those resolutions is not legitimate and not acceptable."

Iran's claims are an attempt to negate its having to comply with UN Security Council resolutions concerning its nuclear program, particularly resolutions calling on it to suspend enrichment. Iran claims its case was referred illegally to the UN Security Council which it asserts could only go before the Council in an official case of non-compliance or diversion. It cites the [IAEA Statute](#) as evidence which does lay out this specification. Yet, under Article III, Part B, Paragraph 4 of the Statute, which details the functions of the Agency, the IAEA is authorized to submit reports "when appropriate, to the Security Council: if in connection with the activities of the Agency there should arise questions that are within the competence of the Security Council...as the organ bearing the main responsibility for the maintenance of international peace and security...".

Iran's claim that any issue outside diversion of nuclear material and an official finding of non-compliance cannot go to the Security Council is in fact inaccurate according to the IAEA Statute. The IAEA Board of Governors is fully justified in reporting cases concerning peace and security to the Security Council. Any subsequent reporting by the IAEA on issues of concern to the Security Council or relating to resolutions it takes about Iran's nuclear program is therefore fully justified. The IAEA clearly notes in its September 2, 2011 safeguards report on Iran that Article 2 of Iran's Safeguards Agreement with the Agency "authorizes the Agency to seek to verify both the non-diversion of nuclear material from declared activities (i.e. correctness) and the absence of undeclared nuclear activities in the State (i.e. completeness)..."

Section D, Paragraphs 11, 14, and 18:

Iran claims that the issue of the so-called "Alleged Studies," or evidence of experiments and work relating to nuclear weapons development, lie outside an established [Work Plan](#) made in cooperation with the IAEA in August 2007, and therefore, cannot be discussed further. In Section D, Paragraph 11, it indicates, "The so called '*Alleged Studies*' have never been considered as an outstanding issue in the Work Plan."

The issue of the Alleged Studies, however, is obviously covered in the Work Plan and remains an outstanding issue for the IAEA. Iran claims in Section III of the Work Plan only that the Alleged Studies are "politically motivated and baseless allegations." Therefore, Iran considers the issue closed. In Paragraph 14 of its communication to the IAEA, Iran continues to dismiss the Alleged Studies "because they do not exist in reality" and writes that they are based on unoriginal and forged documents. As the IAEA has continued to report in many safeguards reports, Iran's refusal to address evidence of the Alleged Studies has hardly satisfied the Agency's concerns about the issue. In July 2011, IAEA Director General Amano [refused](#) the request of Iranian Foreign Minister Ali Akbar Salehi that the IAEA drop its investigation into Iran's nuclear weapons-related work which has proceeded according to the mutually-agreed to Work Plan.

Iran further suggests in Paragraph 18 that the Work Plan modalities agreed to in 2007 preclude the IAEA from raising any new concerns about its nuclear weapons-related work. Iran takes issue with the May 2011 safeguards report finding that "the Agency has received further information related to such possible undisclosed nuclear activities," and "there are indications that certain of these activities may have continued until recently." Iran suggests that anything newly discovered is not covered by the 2007 agreement and is therefore a moot issue as far as Agency investigations.

This argument is both an obvious attempt to avoid addressing any new issue which may arise about Iran's past or ongoing nuclear weapons-related work and runs counter to the IAEA's core mission and mandate to provide ongoing reporting and clarification on anything concerning the peacefulness of nuclear programs. The IAEA has said that until Iran addresses these concerns, it cannot verify the absence of military nuclear activities in Iran.