

## Board of Governors

**GOV/INF/2007/8**

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## Communication dated 29 March 2007 from the Resident Representative of the Islamic Republic of Iran and the Secretariat's Response

The Director General has received a letter dated 29 March 2007 from the Resident Representative of the Islamic Republic of Iran (Iran). The letter from the Resident Representative of Iran, and the Secretariat's reply thereto dated 30 March 2007, are herewith attached for the information of members of the Board.



**Permanent Mission of  
ISLAMIC REPUBLIC OF IRAN  
to the International Atomic Energy Agency (IAEA)**

*Heinestr. 19/1/1 A-1020 Vienna/Austria*

*Phone: (0043-1) 214 09 71 Fax: (0043-1) 214 09 73 E-mail: PM.Iran\_IAEA@chello.at*

No. 034/2007

29 March 2007

Excellency,

Upon the instruction of my Government I have the honor to convey the followings:

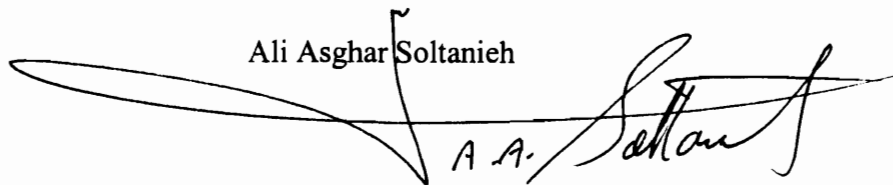
1. The nuclear issue of the Islamic Republic of Iran has been referred to the United Nations Security Council (UNSC) in contravention with the provisions of the Statute of the IAEA and the Non-Proliferation Treaty (NPT). In accordance with Article 12 of the Agency's Statute, recognition of non-compliance (diversion to nuclear weapons) is entrusted to the inspections, where the inspectors shall report any non-compliance to the Director General who shall thereupon transmit the report to the Board of Governors. Not only the inspectors have not reached or concluded any "non-compliance" but instead, they have confirmed non-diversion of nuclear activities to prohibited purposes.
2. Whereas resolutions of the Board of Governors had consistently addressed the request for suspension of enrichment related activities as a "voluntary and non-legally binding measure", the request has since been abruptly and unilaterally displaced by "requirement". The Agency in accordance with the letter and spirit of its bilateral agreement with the Islamic Republic of Iran, can in no way justify a demand to suspend a field of activity which not only is permitted, but should indeed be subject of Agency's assistance. The Board of Governor's unlawful reference to suspension as a "requirement" has, in turn, served as the basis for UNSC resolutions. As such, the Board of Governors has failed its obligations towards the Islamic Republic of Iran and unduly paved the way for UNSC's forceful measures.
3. The nuclear activities of the Islamic Republic of Iran have been peaceful with no diversion to military purposes, and all have been in consent with Iran's legal obligations under the NPT, with no threat to international peace and security, therefore, the resolutions of the UNSC against Iran are contrary to the UN Charter and does not have any legal and lawful basis.
4. The highest authorities of the United States and Israeli Regime, in absolute breach of Para 4 of Article 2 of the United Nations Charter, are threatening the use of force and attack against the Islamic Republic of Iran and have repeatedly stressed that military action is an option on the table. This endangers the international peace and security and directly threats Iran's national security.
5. In accordance with the United Nations Charter and the Article 3 of the Agency's General Conference Resolution 533, any threat of attack or attack against safeguarded nuclear facilities of Iran constitutes a violation of principles of the United Nations Charter, and therefore, the United Nations Security Council has to act immediately. Certainly, continuation of non-action by the UNSC in this respect further endangers the national security of Iran.

6. So as long as such threats of military action persist, Iran has no option but protect its security through all means possible, including protection of information which can facilitate openly-stated and aggressive military objectives of the war mongers. This is particularly significant as the Agency has failed systematically and repeatedly to maintain confidentiality of sensitive information despite its firm obligations. At this stage, therefore, such dangerous dissemination of sensitive information will have to be curtailed through steps which limit their scope and availability.

Considering the aforementioned facts, the continuation of adoption of resolutions by the UNSC against Iran, shall only complicate the situation, and in no way helps the resolution of the issue undermining the efforts and initiatives to restart negotiations.

In view of the above, according to the bill passed by the parliament of the Islamic Republic of Iran in 2006, and considering the illegal and unlawful United Nations Security Council Resolution 1747 on 14 March 2007, against Iranian Nation and its peaceful nuclear activities, the Government of the Islamic Republic of Iran has decided that: As long as the full implementation of the provisions on the Non-Proliferation Treaty (NPT), specifically achieving the inalienable rights stipulated in Article IV of the Treaty and the cessation of perusing Iran's nuclear dossier with the United Nations Security Council, its full disengagement, and thus the return of the dossier to the framework of the IAEA, in full, is not realized; and as long as potential military adventures are not removed from the table and threats to Iran's security are not eliminated, further implementation of the modified code 3.1 of the Subsidiary Arrangements to the Safeguards Agreement, accepted in 2003, but not yet ratified by the parliament, aimed at enhancing Iran's cooperation with the IAEA, shall be suspended and Iran reverts to implement the codes 3.1 as reflected in the Subsidiary Arrangements on 12 February 1976. Therefore, considering above, the implementation of the content of letter 90/95265 dated 26 February 2003, as of date of this letter, is suspended.

Accept, Sir, the assurances of my highest consideration.

Ali Asghar Soltanieh  


Ambassador, Resident Representative

H.E. Dr. Mohamed ElBaradei  
Director General,  
International Atomic Energy Agency,  
Vienna



# IAEA

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Международное агентство по атомной энергии

Organismo Internacional de Energía Atómica

Wagramer Strasse 5, P.O. Box 100, A-1400 Wien, Austria

Phone: (+43 1) 2600 21250 • Fax: (+43 1) 2600 29785

E-mail: [Official.Mail@iaea.org](mailto:Official.Mail@iaea.org) • Internet: <http://www.iaea.org>

In reply please refer to:

Dial directly to extension: (+431) 2600-21250

H.E. Mr. Ali Asghar Soltanieh

Resident Representative of the Islamic Republic  
of Iran to the IAEA  
Heinestrasse 19/1/1  
A-1020 Vienna

2007-03-30

Sir,

I have the honour to refer to your letter of 29 March 2007 to the Director General in which you informed the Agency that Iran has decided to suspend further implementation of the modified Code 3.1 as reflected in the Subsidiary Arrangements in effect since 26 February 2003, and that it would revert to the implementation of Code 3.1 as reflected in the Subsidiary Arrangements of 12 February 1976.

I would like to note that this is contrary to the Board's decision reproduced in GOV/2554/Attachment 2/Rev.2 (1 April 1992), concerning the modalities for the provision of design information pursuant to Article 42 of Comprehensive Safeguards Agreements as an important measure to strengthen the effective implementation of safeguards. In this context, I should note that in accordance with this Board decision, the modified text of Code 3.1 is now included in all Subsidiary Arrangements General Parts in force with States that have Comprehensive Safeguards Agreements. Iran's decision therefore is regrettable.

I would urge your authorities to reconsider their decision, and to continue to implement the Subsidiary Arrangements General Part that is in effect since 26 February 2003.

Accept, Sir, the assurances of my highest consideration.

Vilmos Cserveny

Director

Office of External Relations and Policy Coordination