

Board of Governors

GOV/2005/77

Date: 24 September 2005

Original: English

For official use only

Item 6(d) of the agenda
(GOV/2005/70)

Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran

Resolution adopted on 24 September 2005

The Board of Governors,

- (a) Recalling the resolutions adopted by the Board on 11 August 2005 (GOV/2005/64), 29 November 2004 (GOV/2004/90), 18 September 2004 (GOV/2004/79), 18 June 2004 (GOV/2004/49), 13 March 2004 (GOV/2004/21), 26 November 2003 (GOV/2003/81) and on 12 September 2003 (GOV/2003/69), the statement of the Board of 19 June 2003 (GOV/OR.1072) and the Chairman of the Board's conclusions of March 2005 (GOV/OR.1122) and of June 2005 (GOV/OR.1130),
- (b) Recalling that Article IV of the Treaty on the Non Proliferation of Nuclear Weapons stipulates that nothing in the Treaty shall be interpreted as affecting the inalienable rights of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of the Treaty,
- (c) Commending the Director General and the Secretariat for their professional and impartial efforts to implement the Safeguards Agreement in Iran, to resolve outstanding safeguards issues in Iran and to verify the implementation by Iran of the suspension,
- (d) Recalling Iran's failures in a number of instances over an extended period of time to meet its obligations under its NPT Safeguards Agreement (INFCIRC 214) with respect to the reporting of nuclear material, its processing and its use, as well as the declaration of facilities where such material had been processed and stored, as reported by the Director General in his report GOV/2003/75 dated 10 November 2003 and confirmed in GOV/2005/67, dated 2 September 2005,
- (e) Recalling also that, as deplored by the Board in its resolution GOV/2003/81, Iran's policy of concealment has resulted in many breaches of its obligation to comply with its Safeguards Agreement,

- (f) Recalling that the Director General in his report to the Board on 2 September 2005 noted that good progress has been made in Iran's correction of the breaches and in the Agency's ability to confirm certain aspects of Iran's current declarations,
 - (g) Noting that, as reported by the Director General, the Agency is not yet in a position to clarify some important outstanding issues after two and a half years of intensive inspections and investigation and that Iran's full transparency is indispensable and overdue,
 - (h) Uncertain of Iran's motives in failing to make important declarations over an extended period of time and in pursuing a policy of concealment up to October 2003,
 - (i) Concerned by continuing gaps in the Agency's understanding of proliferation sensitive aspects of Iran's nuclear programme,
 - (j) Recalling the emphasis placed in past resolutions on the importance of confidence building measures and that past resolutions have reaffirmed that the full and sustained implementation of the suspension notified to the Director General on 14 November 2004, as a voluntary, non legally binding confidence building measure, to be verified by the Agency, is essential to addressing outstanding issues,
 - (k) Deploring the fact that Iran has to date failed to heed the call by the Board in its resolution of 11 August 2005 to re-establish full suspension of all enrichment related activities including the production of feed material, including through tests or production at the Uranium Conversion Facility,
 - (l) Also concerned that Iran has to date failed to heed repeated calls to ratify the Additional Protocol and to reconsider its decision to construct a research reactor moderated by heavy water, as these measures would have helped build confidence in the exclusively peaceful nature of Iran's nuclear programme,
 - (m) Noting that the Director General reported that the Agency "continues to follow up on information pertaining to Iran's nuclear programme and activities that could be relevant to that programme" and that "the Agency's legal authority to pursue the verification of possible nuclear weapons related activity is limited" (GOV/2005/67),
 - (n) Endorsing the Director General's description of this as a special verification case, and
 - (o) Noting that the Agency is still not in a position to conclude that there are no undeclared nuclear materials or activities in Iran,
1. Finds that Iran's many failures and breaches of its obligations to comply with its NPT Safeguards Agreement, as detailed in GOV/2003/75, constitute non compliance in the context of Article XII.C of the Agency's Statute;
 2. Finds also that the history of concealment of Iran's nuclear activities referred to in the Director General's report, the nature of these activities, issues brought to light in the course of the Agency's verification of declarations made by Iran since September 2002 and the resulting absence of confidence that Iran's nuclear programme is exclusively for peaceful purposes have given rise to 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;

3. Requests the Director General to continue his efforts to implement this and previous Resolutions and to report again, including any further developments on the issues raised in his report of 2 September 2005 (GOV/2005/67) to the Board. The Board will address the timing and content of the report required under Article XII.C and the notification required under Article III.B.4;
4. In order to help the Director General to resolve outstanding questions and provide the necessary assurances, urges Iran:
 - (i) To implement transparency measures, as requested by the Director General in his report, which extend beyond the formal requirements of the Safeguards Agreement and Additional Protocol, and include access to individuals, documentation relating to procurement, dual use equipment, certain military owned workshops and research and development locations;
 - (ii) To re-establish full and sustained suspension of all enrichment-related activity, as in GOV/2005/64, and reprocessing activity;
 - (iii) To reconsider the construction of a research reactor moderated by heavy water;
 - (iv) Promptly to ratify and implement in full the Additional Protocol;
 - (v) Pending completion of the ratification of the Additional Protocol to continue to act in accordance with the provisions of the Additional Protocol, which Iran signed on 18 December 2003;
5. Calls on Iran to observe fully its commitments and to return to the negotiating process that has made good progress in the last two years;
6. Requests the Director General to continue his efforts to implement the Agency's Safeguards Agreement with Iran, to implement provisionally the Additional Protocol to that Agreement, and to pursue additional transparency measures required for the Agency to be able to reconstruct the history and nature of all aspects of Iran's past nuclear activities, and to compensate for the confidence deficit created; and
7. Decides to remain seized of the matter.