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NOTE BY THE SECRETARY-GENERAL

As the letter of the President of the Atomic Energy Organization of the Islamic Republic of Iran addressed to the Director General of the International Atomic Energy Agency (IAEA) has been circulated at the request of the Permanent Representative of the Islamic Republic of Iran as a document of the Security Council (S/17133, annex), the letter of 26 March 1985 from the Director General of IAEA in reply to the President of the Atomic Energy Organization of the Islamic Republic of Iran is being circulated in a similar manner.

Annex

Letter dated 26 March 1985 from the Director General of
the International Atomic Energy Agency addressed to the
President of the Atomic Energy Organization of the
Islamic Republic of Iran

I acknowledge receipt of your letter of 17 March 1985 concerning the reported attack on the installations at the Bushehr Nuclear Power Plant site.

As stated in my cable to you on 8 March, the verification of reported war damage and losses in respect of a plant still under construction, not containing any radioactive material and not as yet subject to safeguards, is not appropriately a mission to be set in motion by the Director General of the IAEA. I reported this conclusion to the Board of Governors of the IAEA and no comment or objection was made by any member of the Board.

As I explained in my letter of 15 February 1985 to the Chargé d'affaires of the Islamic Republic of Iran, had the installations contained radioactive material, any damage could have occasioned emergency assistance and advice from the IAEA, if requested. The presence of fissionable material would also have rendered the plant subject to safeguards, and this would have led to a request by the Agency to make an inspection of the nuclear material under safeguards as soon as practicable.

In your letter you referred to safeguards arrangements in relation to the Bushehr plant. The absence of a facility attachment in respect of the Bushehr plant under the safeguards agreement between Iran and the Agency (INFCIRC/214) is not the result of any negligence or omission on the part of the Agency. I am arranging to communicate to you through your Resident Representative in Vienna a separate note on this subject.

You also referred to IAEA General Conference resolution 407 of 14 October 1983. Operative paragraphs 1 and 2 of this resolution are the responsibility of member States to implement. They deal with the need for binding rules which would have the effect of prohibiting armed attacks against nuclear installations devoted to peaceful purposes. I shall, as requested in operative paragraph 3 of the resolution, keep the General Conference informed of developments in this area. As you know, I have kept the Board of Governors fully informed of the attacks you have reported to me.

As regards your request that I take steps to expel Iraq from membership of the IAEA, I must refer you to the Agency's statute, which contains no provision for expulsion of a member State of the Agency. While article XIX.B deals with suspension of the exercise of privileges and rights of membership, it is clear from this article that the question of such suspension is a matter exclusively for the General Conference acting upon a recommendation by the Board of Governors. The Director General, under article VII of the statute, is "the chief administrative officer of the Agency" and acts "under the authority of and subject to the control of the Board of Governors".

As requested by you, your letter of 17 March 1985, together with all supporting documents, is being circulated to all member States, together with a copy of this reply to you.

(Signed) Hans BLIX
Director General

