

IAEA Board of Governors
Record of the 1109th Meeting
GOV/OR.1109

(Click the link below to go directly to the NAM statement)

Nuclear Verification

(d) Implementation of the NPT safeguards agreement in the Islamic Republic of
Iran: Report by the Director General Part 1

Nuclear Verification

(d) Implementation of the NPT safeguards agreement in the Islamic Republic of
Iran: Report by the Director General Part 2

Nuclear Verification

(d) Implementation of the NPT safeguards agreement in the Islamic Republic of
Iran: Report by the Director General Part 3

Board of Governors

GOV/OR.1109

Issued: October 2004

Restricted Distribution

Original: English

For official use only

Record of the 1109th Meeting

Held at Headquarters, Vienna, on Saturday, 18 September 2004, at 3.40 p.m.

Contents

Item of the agenda*		Paragraphs
8	Nuclear verification	1–144
	(d) Implementation of the NPT safeguards agreement in the Islamic Republic of Iran: Report by the Director General	
–	Tributes	145–146

[*] GOV/2004/71.

Attendance

(The list below gives the name of the senior member of each delegation who attended the meeting, as well as that of any other member whose statement is summarized in this record.)

Mr. NÚÑEZ GARCÍA-SAÚCO		Chairman (Spain)
Ms. KELLY	_____	Argentina
Ms. STOKES		Australia
Mr. NIEUWENHUYS		Belgium
Mr. VIEIRA DE SOUZA	}	Brazil
Ms. RIBEIRO MOURA		
Ms. HALL	}	Canada
Mr. PROUDFOOT		
Mr. ZHANG Huazhu		China
Mr. CARRERA DORAL		Cuba
Mr. POČUCH		Czech Republic
Mr. CHRISTENSEN		Denmark
Mr. RAMZY		Egypt
Mr. THIEBAUD		France
Mr. HONSOWITZ		Germany
Mr. HORVÁTH		Hungary
Mr. SHARMA		India
Mr. DE CEGLIE		Italy
Mr. TAKASU		Japan
Mr. Chang-beom CHO		Korea, Republic of
Mr. GULAM HANIFF		Malaysia
Ms. OLAMENDI		Mexico
Mr. DE VISSER		Netherlands
Ms. BRIDGE	}	New Zealand
Ms. BANKS		
Mr. UMAR		Nigeria
Mr. NAQVI		Pakistan
Mr. PORTUGAL		Peru
Mr. NIEWODNICZAŃSKI		Poland
Mr. BERDENNIKOV		Russian Federation
Mr. KURDI		Saudi Arabia
Mr. MINTY		South Africa
Mr. DE MIGUEL ÁLVAREZ		Spain
Mr. AHMAD		Sudan
Mr. DAOUAS		Tunisia
Mr. JENKINS		United Kingdom of Great Britain and Northern Ireland
Ms. SANDERS		United States of America
Mr. NGUYEN TRUONG GIANG	_____	Vietnam

Attendance (continued)

Mr. ELBARADEI	Director General
Mr. GOLDSCHMIDT	Deputy Director General, Department of Safeguards
Mr. RAUTENBACH	Director, Office of Legal Affairs
Mr. HEINONEN	Director, Department of Safeguards, Division of Operations B
Mr. ANING	Secretary of the Board

Representatives of the following Member States attended the meeting:

Albania, Algeria, Angola, Austria, Azerbaijan, Bolivia, Bosnia and Herzegovina, Burkina Faso, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Estonia, Finland, Georgia, Greece, Holy See, Iceland, Islamic Republic of Iran, Ireland, Israel, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malta, Morocco, Namibia, Paraguay, Philippines, Portugal, Romania, Singapore, Slovakia, Slovenia, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, Ukraine, United Arab Emirates, Uruguay, Uzbekistan, Venezuela, Yemen, Zimbabwe.

Abbreviations used in this record:

HEU	high-enriched uranium
LEU	low-enriched uranium
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	nuclear-weapon-free zone
R&D	research and development
WMD	weapons of mass destruction

* Speakers under Rule 50 of the Provisional Rules of Procedure are indicated by an asterisk

8. Nuclear verification

(d) Implementation of the NPT safeguards agreement in the Islamic Republic of Iran: Report by the Director General (GOV/2004/60, GOV/2004/76/Rev.1, GOV/2004/77 and GOV/2004/78)

1. The CHAIRMAN said the Board had before it the Director General's report, contained in document GOV/2004/60, issued on 1 September 2004 on implementation of the NPT safeguards agreement in the Islamic Republic of Iran. The Director General had also referred to the matter in his introductory statement at the beginning of the current series of meetings of the Board. In addition, a technical briefing on the matter had been held for Member States by the Secretariat on 6 September.
2. A draft resolution, contained in document GOV/2004/76/Rev.1, had been submitted by France, Germany and the United Kingdom, and circulated to all members.
3. Amendments to that draft resolution had been proposed by Pakistan, contained in document GOV/2004/77, and by Malaysia in its capacity as Chairman of NAM, contained in document GOV/2004/78. Both those documents had been circulated to all members.
4. Mr. THIEBAUD (France), introducing the draft resolution contained in document GOV/2004/76/Rev.1, said the text was balanced and focused on approaches which would hopefully allow the Board to progress in resolving the matter.
5. The text expressed appreciation for the impartial efforts of the Director General and the Secretariat to arrive at a complete understanding of Iran's nuclear programme. It noted not only the progress made but also the work that remained to be done on such issues as HEU contamination and the P-2 centrifuge programme. It detailed the actions expected from Iran to enable the Agency to resolve those issues and emphasized the importance of cooperation on the part of Iran.
6. The draft resolution highlighted the importance of transparency and confidence-building measures by Iran, particularly the suspension of all enrichment and reprocessing activities and ratification of its additional protocol. It was incumbent on Iran to create the conditions for confidence. The draft resolution regretted that, despite repeated calls from the Board, Iran had not implemented without reservation the voluntary measures to which it had committed itself, and had in fact reversed some decisions, in particular to suspend the manufacture of components for and the testing of centrifuges, and tests on large quantities of material at its conversion facility. The text, particularly operative paragraphs 3 and 4, specified the steps expected from Iran to restore the confidence of the international community.
7. Operative paragraph 5 of the draft resolution underlined the importance of cooperation with the Agency by third countries in resolving outstanding issues.
8. Operative paragraph 7 requested the Director General to report to the forthcoming November Board on implementation of the resolution, and also to provide a recapitulation of the Agency's findings on the Iranian nuclear programme and an analysis of those findings in relation to implementation of the safeguards agreement. Furthermore, operative paragraph 8 requested a specific report from the Director General on Iran's response to the Board's requests concerning confidence-building measures. Finally, operative paragraph 9 made provision for the Board to decide at its November session whether further steps were needed.

9. The provisions of the draft resolution related specifically to Iran's current activities and situation. They should not be interpreted as in any way affecting the right of States Party to the NPT to benefit from the peaceful uses of atomic energy. The co-sponsors were prepared to pursue and intensify dialogue with members of the Board, the Agency and all States Party to the NPT regarding their determination to ensure full enjoyment of the rights laid down in Article IV of the NPT, and were fully aware of the distinction between legal obligations and voluntary confidence-building measures.

10. The co-sponsors had made every effort to take account of the concerns of all delegations and hoped that the text could be adopted by consensus. It was more essential than ever that the international community maintain a unified stance on the application of safeguards in Iran and he appealed to the Board to consider the draft resolution in that spirit.

11. Mr. NAQVI (Pakistan), introducing his country's proposed amendments to the draft resolution, contained in document GOV/2004/77, said it was important to reach as soon as possible an equitable settlement consistent with Iran's international obligations, including those to the Agency.

12. Pakistan's first proposed amendment, regarding a new preambular paragraph e-bis, stressed the need to respect the rights and obligations of States under relevant non-proliferation treaties, a fundamental principle of international law and behaviour between States.

13. The second proposed amendment, concerning a new preambular paragraph g-bis, recalled Article III.B.3 of the Statute, which needed reiteration to ensure that the overall balance between rights and obligations was kept firmly in view.

14. The third proposed amendment, a rewording of operative paragraph 5, sought to differentiate between the two situations of States having already voluntarily cooperated with the Agency and others which still had to. Furthermore, it clarified that such cooperation would be extended by all countries consistent with their legal obligations under relevant international treaties. They could not and should not be expected to compromise their national security.

15. In the interest of keeping the Board's effectiveness undiminished and in the light of assurances from the co-sponsors of the draft resolution that they would keep Pakistan's concerns in mind in future, his delegation had decided not to insist on a vote being taken on its proposed amendments.

16. Mr. GULAM HANIFF (Malaysia), speaking on behalf of NAM, said that, despite also having had serious problems with other paragraphs in the draft resolution, in a spirit of consensus NAM had decided to propose amendments to only operative paragraphs 7 and 8. Those proposals were contained in document GOV/2004/78.

17. As a matter of principle, NAM viewed the legal safeguards obligations of Member States as being separate from voluntary decisions. Whilst safeguards obligations were legally binding, confidence-building measures were voluntary. In his introductory statement, the Director General had underlined that two interrelated but distinct sets of issues were involved in the implementation of Agency safeguards in Iran. However, the text of the draft resolution contained no clear distinction between them. Thus, there was an implication that Member States could be penalized for not adhering to their voluntary gestures. In NAM's view, that went beyond the Agency's mandate and ran the risk of setting a precedent.

18. Mr. JENKINS (United Kingdom), invoking the terms of Rule 26 of the Provisional Rules of Procedure of the Board of Governors, moved that the debate on the amendments to the draft resolution proposed by the Governor from Malaysia on behalf of NAM be adjourned. He did so not out of disrespect for those who had proposed them, whose concerns had been fully registered by the co-sponsors in the course of extensive consultations, but in the belief that those concerns were based on misunderstandings. It was not the intention of the co-sponsors to imply that suspension of activities

was among the legal obligations of Iran or any other Member State. Moreover, the co-sponsors were convinced that the draft resolution did not contain that implication. It was not their intention to limit the right of Member States under the NPT to benefit from the peaceful uses of nuclear energy, as long as that right was exercised in strict compliance with NPT obligations; nor was it their intention to deter States with nuclear programmes under safeguards from volunteering confidence-building measures at some future date. The draft resolution did not argue, suggest or imply that confidence-building measures were a legal obligation.

19. The CHAIRMAN recalled that, under Rule 26, in addition to the proposer of the motion, two Governors might speak in favour of and two Governors might speak against the motion, after which it should be immediately voted upon.

20. Mr. DE VISSER (Netherlands) and Mr. CHRISTENSEN (Denmark) supported the motion.

21. Mr. GULAM HANIFF (Malaysia) speaking on behalf of NAM, spoke against the motion. NAM felt that the Board had exceeded its mandate in dealing with the issue. Although permitted under the Rules of Procedure, the move to adjourn the debate ran contrary to the principles of democracy. It could be perceived as preventing others from speaking their minds on a matter of principle with legal connotations. In tabling its proposed amendments, NAM was exercising the legitimate right of any member of the Board to ensure that its concerns were addressed. Unfortunately, the motion could also be misinterpreted as a tactic of the powerful to silence the weak. Clearly the matter had been highly politicized, which it should not be; that was certainly not the message the Board should be sending out. Whatever the outcome of the motion, he sincerely hoped that confidence would be re-established among Member States in good faith.

22. Mr. CARRERA DORAL (Cuba), also speaking against the motion, said that — to ensure transparency — the Board should consider the opinions put forward by a group of delegations and make a judgement thereon. The amendments proposed were the result of extensive negotiations and had been drawn up on the basis of consensus among the NAM countries.

23. The number of speakers permitted under Rule 26 having been exhausted, the CHAIRMAN put the motion of ‘no action’ on the amendments submitted by Malaysia on behalf of NAM, contained in document GOV/2004/78, proposed by the representative of the United Kingdom to the vote.

24. There were 20 votes in favour and 13 against. The motion was carried.

25. There being no remaining amendments, the CHAIRMAN invited the Board to consider the draft resolution on implementation of the NPT safeguards agreement in the Islamic Republic of Iran contained in document GOV/2004/76/Rev.1. The draft had been the subject of difficult and intensive consultations. While the objectives of all delegations were the same, the various parties had differing views on how to achieve them. He appealed to all members of the Board to send a unified message in the often-quoted ‘spirit of Vienna’.

26. The CHAIRMAN took it that the Board wished to adopt the draft resolution contained in document GOV/2004/76/Rev.1 without a vote.

27. It was so decided.

28. The CHAIRMAN also took it that the Board authorized the resolution and the Director General’s report, contained in document GOV/2004/60, be made available to the public.¹

¹ Resolution issued as document GOV/2004/79.

29. It was so agreed.

30. Mr. GULAM HANIFF (Malaysia), speaking on behalf of NAM, recalled the previous findings of the Director General that there had been no evidence of diversion of the Iranian nuclear programme for military purposes. He noted that the latest report contained in document GOV/2004/60 welcomed the additional information provided by Iran in response to the Agency's requests, including prompt clarifications of its initial declaration pursuant to the additional protocol and the granting of six complementary accesses since the Board's meetings in June 2004. The Agency was continuing to make steady progress towards understanding the Iranian nuclear programme.

31. With respect to laser enrichment activities and Iran's declared uranium conversion experiments, he welcomed the fact that further follow-ups would be carried out as a routine safeguards implementation matter. That clearly demonstrated the significant progress made towards a final conclusion on the peaceful nature of Iran's nuclear activities.

32. Also, some progress had been made towards ascertaining the origin of contamination, including the HEU contamination. From the Agency's analyses to date, it appeared plausible that the HEU contamination may not have resulted from uranium enrichment by Iran. NAM continued to support the Agency's efforts in that regard and encouraged other States to continue cooperating.

33. On the issue of the import, manufacture and use of P-1 and P-2 centrifuges, he noted that the Agency had gained a better understanding of Iran's activities.

34. The Agency had been able to verify Iran's suspension of enrichment related activities at specific facilities and sites, and had been able to confirm that it had not observed any activities inconsistent with Iran's voluntary decision. In that context, he reiterated the basic and inalienable right of all Member States to develop atomic energy for peaceful purposes. Iran's voluntary gesture was a temporary confidence-building measure, intended only to facilitate prompt closure of the matter.

35. NAM looked forward to the Director General's next report. All issues should be resolved on technical grounds and it was important for the Board to reach consensus decisions so that the Iran item could be removed from its agenda and normality achieved.

36. With regard to the resolution just adopted without a vote, NAM had worked in good faith, and on the basis of principle, to enhance the text of the draft resolution with a view to achieving a consensus that reflected reality. In negotiations with the co-sponsors, NAM had at various times been faced with a 'take it or leave it' situation. That was an unfortunate development, particularly considering that NAM seemed to have been the last group to receive the draft text. The Board needed to review the way it conducted its work to ensure that all groups and members were treated with the respect and courtesy embodied in the 'Vienna spirit'.

37. He underlined that, although NAM had had serious problems with many paragraphs, it had still compromised and sought consensus.

38. With regard to operative paragraphs 7 and 8, NAM had sought to separate the issues so that matters relating to confidence-building measures were not transformed into legal safeguards obligations. As he had said in his introduction to NAM's proposed amendments, the Director General had made the same point in his introductory statement. Iran's voluntary actions should have a definite time-frame and cease when appropriate requirements had been met.

39. Finally, expressing full confidence in the professionalism and impartiality of the Secretariat in carrying out its duties, he stressed that the issue should be resolved within the Agency's mandate.

40. Mr. DE VISSER (Netherlands), speaking on behalf of the European Union, Bulgaria, Romania, Turkey, Croatia, Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Serbia and Montenegro, Iceland and Norway, welcomed the Board's adoption, by consensus, of the draft resolution contained in document GOV/2004/76/Rev.1. The Agency seemed to have an increasingly comprehensive understanding of the nature and extent of Iran's nuclear programme, although it was a matter of serious concern that a number of issues still, after two years, awaited clarification. He expressed appreciation that Iran had continued to act as though its additional protocol were in force and that it had cooperated in such a way that the Agency had been able to continue its verification activities in most areas. He urged Iran to ratify its additional protocol without delay.

41. The European Union was dismayed that in June 2004 Iran had reversed some of its earlier decisions to voluntarily suspend its uranium enrichment related activities. That suspension was a key ingredient for confidence building. In that context, he reiterated that the European Union considered the production of feed material to be an enrichment related activity. Confidence building, through the suspension of all enrichment and reprocessing related activities, was a process into which all parties should enter with good will and a clear view of a positive outcome beneficial to all. The process could not be interrupted again if Iran wished to enter a new mode of cooperation with the European Union.

42. It was the clear responsibility not only of Iran, but also of certain other States, to provide all necessary cooperation with the Agency promptly and fully in order for the latter to clarify the remaining issues. He therefore reiterated the European Union's call on Iran and other concerned States for full, proactive and transparent cooperation so that a complete, comprehensive and definite picture could be presented at the forthcoming November Board of all aspects of Iran's nuclear programme, together with an analysis of the implications of that picture in relation to Iran's implementation of its safeguards agreement.

43. Mr. TAKASU (Japan) thanked the Director General and the Secretariat for their efforts and professionalism in attempting to resolve the Iranian nuclear issue. Iran, for its part, would have to implement all the Board's requests since September 2003. It was gratifying that Iran had recently provided the Agency with new information and access to locations and that the Agency was making steady progress in understanding its nuclear programme.

44. However, Japan noted with concern that open questions remained almost two years since Iran's undeclared activities had come to light. The Director General's latest report stated that the Agency was still not in a position to draw definitive conclusions concerning the correctness and completeness of Iran's declarations. Although it appeared plausible that uranium enrichment by Iran had not caused HEU contamination at the Kalaye Electric Workshop and at Natanz, the Agency was still continuing to try to identify the sources of and reasons for contamination. Furthermore, the Agency would have to carry out additional work to confirm Iran's statements regarding its P-2 centrifuge activities.

45. Japan regretted Iran's resumption of some of its enrichment-related activities and its decision to proceed with production testing of UF₆ at the Uranium Conversion Facility, despite the Board's requests to the contrary.

46. To resolve the issue promptly, Iran needed to dispel the international community's serious concerns by acting with increased transparency, fulfilling its legal obligations under its safeguards agreement and intensifying its cooperation with the Agency. It should provide promptly complete information and full access to all locations as requested by the Agency.

47. Japan expected Iran, in response to Board resolutions, to suspend its enrichment related and reprocessing activities. Also, it should ratify its additional protocol as a matter of urgency. Japan welcomed the cooperation extended by other States in relation to outstanding issues, particularly HEU contamination and expected further cooperation from them.

48. Japan hoped that the Iranian nuclear issue would be resolved as soon as possible. Japan was prepared to cooperate with other Member States and believed that the Board should send a clear and unified message to Iran and the international community.

49. Mr. HONSOWITZ (Germany) welcomed the Board's adoption, without a vote, of the draft resolution.

50. The forthcoming series of meetings of the Board in November would be decisive. Confidence building by Iran was crucial in the meantime and, as far as Germany, France and the United Kingdom were concerned, entailed the full suspension of not only all enrichment and reprocessing activities but also the related activities referred to in the resolution. Also, he underlined the need for full and proactive cooperation by Iran with the Agency, compliance by Iran with the Board's requests and the absence of any further disturbing and conflicting announcements in response to the requests of the international community.

51. The resolution on Iran reflected that country's specific situation and activities. It should in no way be interpreted as limiting the right, inscribed in Article IV of the NPT, of Member States to benefit fully from the peaceful uses of nuclear energy. Germany was prepared to continue and intensify dialogue with all members of the Board and of the Agency to that end. Moreover, Germany was fully aware of the distinction between legal obligations and confidence-building measures. He assured the Director General and his staff of Germany's full support in carrying out the tasks outlined in the resolution.

52. He suggested the establishment of an informal forum in which discussions could be held on important political issues underlying or cutting across the Agency's routine work. The aim of the forum should not be to politicize the Agency's work, rather to provide an opportunity to improve mutual understanding of its goals, motives and intentions.

53. Mr. RAMZY (Egypt) said that his country's commitment to nuclear non-proliferation and disarmament was well known. Egypt's decision to ratify the NPT in 1981 had been a confidence-building measure taken in the hope of generating a positive reaction in the region, particularly from Israel. Unfortunately that had not happened. Any country that failed to meet its legal commitments under the NPT and the Agency safeguards system should be censured and the situation rectified. Although it was understandable for the Board to be disappointed if certain confidence-building measures — adopted voluntarily — were not respected, it was not acceptable for legal obligations and voluntary decisions to be treated as if they were one and the same.

54. While Iran's legal obligations had not been scrupulously met, the issue was being addressed in a manner that the Agency found satisfactory. The lack of a climate of confidence was a separate issue. However, the fact remained that elsewhere in the Middle East legal obligations were being shunned while confidence-building measures were dismissed as premature. It was regrettable that no international forum was making a serious effort to address that situation.

55. Ms. SANDERS (United States of America), having thanked the Director General and the Secretariat for their sustained and ongoing efforts in Iran, said the Agency's work had provided a sound basis of verified facts to help the Board reach an objective decision. Her Government welcomed the fact that the Director General's latest report would be made public and considered that the interests of balance and transparency would be served further if his recent report on Libya, contained in document GOV/2004/59, was made public.

56. The United States welcomed the adoption of a resolution that made clear to Iran that the Board, representing the broader international community, had exhausted its patience with Iran's continuing

refusal to meet its commitments, to comply with Board resolution requests and to cooperate fully with the Agency. The adoption of the resolution was a clear victory for the Agency's safeguards system.

57. The resolution set clear deadlines for Iran to take essential steps to address the Board's many concerns surrounding its nuclear programme. Iran would have to cooperate with the Agency to resolve all of the remaining questions before the Board's next series of meetings began on 25 November 2004. Iran would also have to fulfil its promises to suspend all enrichment-related activities in time for that to be reported on by the Director General to the November Board. The resolution therefore established 25 November 2004 as the date by which the Board had to decide about the next steps, including the timing of reporting Iran's confirmed non-compliance to the Security Council.

58. Iran should not underestimate the Board's resolve to do what was necessary in November. Board members, for their part, should not delay beyond November the fulfilment of their responsibilities nor allow Iran to manipulate the Board's will or undermine its commitment to address effectively the threat to the safeguards system. Iran should heed the warning from the Board by taking immediate steps to comply with the requests in the resolution just adopted and in the previous four resolutions. That was essential for Iran to allay international concerns about its nuclear ambitions.

59. The decision to be taken by the Board in November would require the fullest understanding of Iran's nuclear activities and the strongest possible commitment by the Board to implement the NPT and uphold the requirements of the Statute. States committed to nuclear non-proliferation and effective implementation of the NPT should take those responsibilities seriously.

60. The Board's resolution specifically requested a comprehensive report by the Director General on Iran's past and current nuclear programme. His previous six reports, spanning a period of 18 months, had provided unprecedented details of Iran's troubling nuclear history and of the Secretariat's outstanding work in conducting the investigations. The latest resolution was welcome because of its requirement for a report containing a full account of Iran's nuclear programme and declarations to the Agency. As past reports had confirmed, the information provided by Iran had often been partial and late in coming and had changed over time as the Agency had learned more and asked more questions. Her delegation expected the next report to describe clearly and in detail a number of key elements, including: all safeguards failures, breaches and inconsistencies confirmed by the Agency from the beginning of its investigations, with information on the dates of Iran's past nuclear activities and the dates those activities were declared by Iran, and a summary of the Agency's verification efforts related to Iran's safeguards obligations; Iran's current status in all areas of its nuclear programmes, including all of its nuclear fuel cycle-related efforts, and the gaps remaining in the Agency's understanding of those programmes; a full history of Iran's cooperation with the Agency's ongoing investigation, including an assessment of the timeliness and scope of Iran's responses to the Agency's requests for information and access, a chronological record of access to requested sites granted to the Agency by Iran, identification of any sites requested by the Agency that it had not yet been allowed to visit and a full account of any delays encountered by the Agency in gaining access to any sites; a summary of Iran's declarations submitted to the Agency in October 2003 and May 2004 in accordance with the additional protocol, and the status of the Agency's ongoing assessment of the correctness and completeness of those declarations; and the extent of Iran's compliance with past Board resolution requests, including those relating to the suspension of all enrichment-related and reprocessing activities, and Iran's commitments vis-à-vis the production of feedstock material, uranium conversion operations and plans to proceed with the construction of a heavy water-moderated reactor and associated facilities.

61. Iran's record of deception and non-compliance placed a significant burden on the Agency. Her delegation hoped that the Director General's next report would be able to answer all the open questions.

62. Her country maintained that Iran was pursuing nuclear weapons in violation of its solemn obligations under Article II of the NPT. Other countries questioned that claim and, unfortunately, that debate detracted attention from the fact that Iran had violated Article III of the NPT. That fact alone was sufficient cause for action. The NPT and the Agency's safeguards system had been set up to provide early warning of diversion of nuclear material, it having been recognized that ostensibly civil nuclear programmes could be used by proliferators to develop the fissile material production capabilities needed for weapons by violating safeguards clandestinely, or openly after withdrawal from NPT. By the time the Agency found nuclear weapons or had concrete proof of a nuclear weapons programme in Iran it would be too late.

63. The Statute obliged the Board to take action in the light of Iran's violation of its NPT safeguards agreement. Sustained and deliberate safeguards concealment by Iran over the course of two decades provided the best indicator of Iran's intent and should trigger the Board to report to the Security Council.

64. There must be consequences for States that wilfully violated their safeguards agreements, especially when the State involved had more often impeded than assisted the subsequent Agency investigation. When a State violated its safeguards obligations systematically over an extended period and secretly pursued sensitive nuclear fuel cycle programmes that could contribute to a nuclear weapons capability, the international response had to be resolute. Such unsafeguarded nuclear fuel cycle activities had to be terminated. Under no circumstances should the Agency allow a State subject to comprehensive safeguards to legitimize previously clandestine programmes by simply placing them under safeguards.

65. It was also appropriate for the Board to require Iran to suspend its sensitive fuel cycle activities. Suspension was directly relevant to the Board's task to determine whether Iran was complying with its commitment that safeguards were being applied to all source and special fissionable material so that the Agency could verify that such material was not diverted to nuclear weapons or other nuclear explosive devices. Given what was known about the Iranian programme, surely no Board member could truly believe that the Board was in a position to certify non-diversion. Iranian operation of sensitive nuclear facilities would only make verification work more difficult.

66. The Board's decision in November 2003 to postpone reporting Iran's confirmed safeguards violations to the Security Council had been motivated by the desire to give Iran time to build international confidence through the suspension of its fuel cycle activities. However, Iran had cynically taken full advantage of that opportunity to advance even closer to self-sufficiency in its conversion and enrichment programmes. Iran had made clear repeatedly and explicitly that it had no intention of giving up its fuel cycle pursuits, despite their clandestine origins and the absence of any justification for Iran to seek such technology for nuclear power, and had made little secret of its nuclear ambitions or its disregard for the Board's many requests to suspend uranium enrichment as a way of allaying international concerns.

67. Iran was advancing to the point where no international body would be able to prevent it from achieving a nuclear weapons capability. It was still not too late to resolve the issue through peaceful diplomatic means, and the United States was committed to seeking such a resolution. However, the Board would have to act decisively in November to show Iran that the world stood resolute against Iran's longstanding and serious safeguards violations, including by making a report to the Security Council. The Council was the appropriate body to address Iran's fuel cycle activities. It would add gravity and urgency to the Board's many requests for Iran to abandon its nuclear weapons aspirations. Iran's failure to cooperate with the Board over the previous two years proved that the Agency needed the Security Council's legal, diplomatic and political weight in order to complete its work in Iran. The Security Council could complement and reinforce the Agency's work, not replace it.

68. The CHAIRMAN proposed that, if there were no objections, the Board accede to the United States request to make public the report by the Director General on Libya contained in document GOV/2004/59.

69. It was so agreed.

70. Mr. BERDENNIKOV (Russian Federation) welcomed the adoption of the draft resolution without a vote and commended the Director General and the Secretariat on preparing a comprehensive, objective and informative report on Iran's nuclear programme.

71. While noting that the Agency was not yet in a position to draw definitive conclusions concerning the correctness and completeness of Iran's declarations related to all aspects of its nuclear programme, the Russian Federation was pleased with the steady progress the Agency was making in understanding the programme. It welcomed the Agency's conclusion that further follow-up on Iran's laser enrichment activities and uranium conversion experiments would be carried out as a routine safeguards implementation matter.

72. Also, Agency inspectors had been granted access to the Lavisan-Shian site. On the basis of the information received, the Agency would shortly be able to provide members of the Board with an exhaustive evaluation of the activities carried out at the site.

73. While the origin of HEU traces at a number of sites in Iran and the extent of P-2 centrifuge-related activities had yet to be fully clarified, sufficient progress had been made to allow a preliminary conclusion to be reached that the HEU contamination at the Kalaye Electric Company workshop and at Natanz was not the result of uranium enrichment.

74. The Agency's positive assessment of the level of cooperation provided by Iran gave every reason to expect the investigation into Iran's nuclear programme to be concluded shortly. The Secretariat had carried out extensive work and had analysed large amounts of information. The Russian Federation called on Iran to support Agency efforts in that investigation. He expressed the hope that the final outstanding questions would be answered in the Director General's next report to the November Board and that by then everything possible would have been done to build confidence in Iran's nuclear programme. The resolution just adopted made every provision for such an outcome, assuming that Iran took a serious approach to cooperation and the Agency maintained its usual impartiality.

75. A constructive confidence-building step would be for Iran to return to voluntary suspension of all its enrichment-related activities, including the conversion, assembly and testing of centrifuge components. The Russian Federation did not deny the right of non-nuclear States, including Iran, to use atomic energy for peaceful purposes, particularly nuclear power. However, in the current situation, restraint would go a long way to helping the Agency complete its investigations. At the same time, it was illogical, both in practical and economic terms, for Iran to establish its own nuclear fuel cycle capability. It would make sense for a State embarking on the development of nuclear power to have fuel for its civilian power units delivered by partners that already had the necessary technology and to return the spent nuclear fuel to the supplier afterwards. That approach would eliminate many of the international community's reservations.

76. His delegation found that the resolution reflected the situation objectively, was balanced and opened the door to a settlement of the situation.

77. Mr. PORTUGAL (Peru) defended the right of all States to have access to nuclear science, technology, material and equipment for peaceful purposes under the NPT safeguards regime. States should facilitate verification by the Agency and the legal processes established for that purpose.

78. Iran should continue to collaborate with the Agency's safeguards inspectors so that the Board could bring the agenda item to a close in November.

79. Mr. PROUDFOOT (Canada) expressed deep concern about the implications of Iran's nuclear programme for the multilateral nuclear non-proliferation regime and for international security. It was time for the matter to be brought to a close and for the Agency to be able to provide the assurances to the international community.

80. It was regrettable that the Agency was not yet in a position to draw definitive conclusions concerning the correctness and completeness of Iran's declarations related to all aspects of its nuclear programme. The outstanding safeguards issues related principally to the unexplained particles of enriched uranium and the chronology of Iran's work on the P-2 centrifuge.

81. While the Director General's latest report stated that it appeared plausible that the HEU contamination found at Kalaye and Natanz might not have resulted from uranium enrichment by Iran, no satisfactory explanation had yet been offered for the presence of LEU particles. Nor had Iran offered a satisfactory explanation as to why particles of enriched uranium had been found on domestically manufactured components, why the particles on those components differed from those on imported components and why the particles differed between locations. The unexplained presence of LEU, especially after over a year of intensive work by the Agency, suggested further undeclared nuclear activities by Iran.

82. The mystery surrounding the P-2 centrifuge raised similar concerns. The claim by Iran that it had not conducted any work on the P-2 model between 1995 and 2002 was difficult to believe. The unexplained seven-year gap, and Iran's unwillingness to offer credible explanations, raised questions about the nature and extent of its centrifuge programme. Specifically, it implied that Iran might have a still undeclared enrichment programme using the P-2 centrifuge.

83. The Director General's report stated that the investigation of those two aspects of the Iranian nuclear programme could now be treated as routine safeguards implementation issues. Although the Agency's investigations had answered the most significant questions on laser enrichment, it should not be forgotten that those activities had not originally been declared.

84. The Director General's introductory remarks had made a useful distinction between Iran's legal obligations and its undertakings to suspend its enrichment-related activities, as requested by the Board. The Board had not made those requests idly but because of profound misgivings over Iran's undeclared nuclear activities and their implications. Iran had unfortunately failed to follow through on the Board's repeated requests and also on its own undertakings to suspend its enrichment-related activities. The Agency had documented manifold breaches by Iran of its obligations under its safeguards agreement. The Statute required that such breaches be reported to the Security Council. That was true of any case of non-compliance with a safeguards agreement. Nevertheless, in November 2003 the Board had taken the decision, in the light of Iran's undertakings to suspend its enrichment activities, not to report Iran's non-compliance to the Security Council. Iran's subsequent unilateral re-definition of the scope of its suspension followed by reversal of its undertaking had led his delegation to believe that the time had come for the Board to exercise its statutory duty. Such action was important for the credibility of the Agency and of the multilateral nuclear non-proliferation regime as a whole.

85. Reporting Iran's non-compliance to the Security Council did not imply an end to the Agency's safeguards implementation effort in Iran but would be one step in a process in which, through a verified suspension of sensitive fuel cycle activities as well as continued and, where necessary, intensified inspections by the Agency, Iran could regain the international confidence that it had

forfeited through its deliberate and sustained concealment of nuclear activities. It would then again be in a position to enjoy the benefits of the peaceful uses of nuclear energy.

86. In the resolution just adopted, the Board had requested the Director General to produce an overall report on Iran's nuclear programme. Given the complexity of the situation and the volume of data contained in the six reports issued to date, a report which provided details on Iran's nuclear programme since its inception would help the Board to take informed decisions.

87. Ms. STOKES (Australia) said that, though the Director General had been able to report some welcome progress, it was apparent that Iran had yet to satisfy the international community's concerns about its nuclear programme. Substantial issues still needed to be resolved regarding that country's advanced P-2 centrifuge development and the origin and extent of the uranium contamination on centrifuge components. Questions also remained regarding its plutonium and polonium experiments and sensitive procurement. Iran's actions since the June meetings of the Board had further undermined confidence in its nuclear intentions. Contrary to calls from the Board and its own commitments, it had announced the resumption of the manufacture, assembly and testing of centrifuges, and of plans to convert 37 tonnes of yellowcake in its Uranium Conversion Facility.

88. Her country considered it essential that all outstanding issues be resolved and it called on Iran to take all necessary steps as a matter of urgency to assist the Agency in its verification task. Iran should fully suspend all uranium enrichment activities, including operation of the Uranium Conversion Facility. Other States with relevant information should also cooperate with the Agency.

89. Iran also needed to build international confidence in its nuclear intentions. Its arguments for pursuing sensitive technology were not convincing, leading many countries to question its motives. It should be prepared to acknowledge the concerns of the international community and take steps to restore its trust. Board members should also ask themselves how long the current situation could continue before it damaged the integrity of the safeguards system and international confidence in the non-proliferation regime.

90. In conclusion, she expressed appreciation for the Agency's professional and determined verification efforts.

91. Mr. SHARMA (India) said that his country had constantly maintained that the decisions of the Board of Governors should be based on the reports provided to it by the Director General, which had been detailed, factual and analytical. It was also preferable that decisions be taken by consensus.

92. The questions relating to the implementation of Iran's safeguards agreement centred around differences in the interpretation of that country's obligations under the NPT. As a non-party to that Treaty his country did not wish to enter that debate, but it did believe that States should abide by the obligations they had entered into in accepting international treaties.

93. Access to the peaceful uses of nuclear energy was the inalienable right of all Member States of the Agency and not the exclusive privilege of some States that were party to a particular treaty.

94. Notwithstanding past and ongoing diplomatic efforts outside the framework of the Agency, nothing in the text of the draft resolution just adopted could be interpreted as detracting from the Agency's competence, which remained central to the resolution of the problem under discussion. The Agency was primarily a technical body set up to promote and ensure the peaceful use of nuclear energy. While it was the sovereign right of Member States to pursue their individual paths towards socio-economic development, the technological choices they made were circumscribed by their particular situation and the need for transparency. Any external influence on those choices had to remain within the boundaries of international law and the commitments entered into by the States concerned.

95. The Director General's latest report indicated that progress had been made in clarifying some questions. Both Iran and the Agency should continue on the path of consultation and cooperation they had been following, and all third parties should cooperate fully, with a view to resolving the outstanding issues so that the Board could reach an appropriate conclusion on the basis of the Director General's report.

96. In conclusion, he commended the Secretariat's efforts and the leadership of the Director General.

97. Mr. ZHANG Huazhu (China) said that all international disputes should be solved through dialogue and cooperation. The practice of consensus in the Agency's Board had preserved its unity and strengthened its ability to deal with issues. It was on that basis that his delegation had supported the motion to adjourn discussion of the amendments to the draft resolution proposed by the NAM. Moreover, his country was of the opinion that the Iranian nuclear issue should be solved within the framework of the Agency and not referred to the Security Council. He noted that the resolution just adopted did contain some unbalanced and unreasonable elements, as well as some unclear formulations which might prove difficult to implement.

98. After more than a year's joint efforts by the various parties concerned, the verification activities in Iran continued to achieve results. Although the Director General's latest report drew no definitive conclusions with respect to the correctness and completeness of Iran's declarations concerning its nuclear programme, progress had been made in understanding that programme and positive conclusions had been reached with respect to Iran's laser enrichment and uranium conversion activities, allowing them to be placed under routine safeguards.

99. Thus, the issue continued to move in a direction favourable to a peaceful solution, which was in the interests of all concerned. All parties should therefore exercise patience and restraint in order that the efforts to date should not be wasted. He expressed the hope that Iran would continue to cooperate with the Agency on the clarification of all outstanding issues and that it would ratify its additional protocol as soon as possible. Equally, the international community should view Iran's concerns, rights and interests in an impartial and objective light and respect its right to pursue the peaceful uses of nuclear energy, subject to its fulfilment of its safeguards obligations. China remained ready to work with the parties concerned with a view to achieving an early and peaceful resolution of the issue within the framework of the Agency.

100. Mr. CARRERA DORAL (Cuba) said that the use of nuclear technology for peaceful purposes was the sovereign right of all States. Moreover, his country held the view that no State had the right to develop, manufacture, possess, use or perfect nuclear weapons. It therefore considered the NPT an imperfect and discriminatory instrument. However, the international community had accepted the NPT as the basis for the nuclear non-proliferation regime and had given the Agency the mandate to verify that regime. Furthermore, the Agency had accepted by consensus that strict compliance with safeguards agreements and additional protocols provided real assurances in that regard. That was the legal basis on which the Agency operated and it was therefore essential that it take all necessary measures to ensure that all States complied fully with their safeguards obligations. At the same time, any attempt to prejudge a country's nuclear programme or politicize discussion of it was unacceptable. Cuba also viewed with great concern any attempt to limit a State's use of nuclear technology for peaceful purposes where it had not been demonstrated that the State in question had failed to comply with its NPT commitments. A clear distinction had to be made between a State's legal obligations and its voluntary commitments. Failure to do so would set a highly negative precedent.

101. Real progress had been made in the issue under discussion and the Director General's latest report showed that the number of outstanding issues was decreasing. The actions the Board took should take account of that progress.

102. His country was strongly of the opinion that nuclear issues should be resolved within the framework of the Agency. All available options should be exhausted before new steps were taken and Cuba opposed the introduction of any trigger mechanism. He commended the efforts of the Secretariat and, in particular, the Director General, to bring the matter to a successful conclusion.

103. In the interests of impartiality, he proposed that the amendments put forward by NAM be made public.

104. The CHAIRMAN took it that the Board had no objection to making public, as proposed by the Governor from Cuba, the amendments submitted by NAM in document GOV/2004/78.

105. It was so agreed.

106. Mr. JENKINS (United Kingdom) said that, with improved cooperation by Iran and the valuable assistance of third countries, the Agency was making steady progress towards understanding the Iranian nuclear programmes. Despite the positive news regarding the origin of the LEU and HEU contamination found at various locations, several serious questions remained. The contamination issue was not fully resolved and the time-frame of Iran's plutonium separation experiments still required further follow-up.

107. The Director General's report also indicated that Iran's cooperation had not always been sufficiently proactive. Iran must give the Agency the information and access it required in a timely manner. Such cooperation was essential not only for the country to meet its legal obligations, but also for it to demonstrate its willingness to enable the Agency to fulfil its task, so providing the international community with the assurances it required regarding the peaceful nature of the Iranian nuclear programme. Over two years had passed since doubts had been openly raised about the purpose of that programme and his country looked forward to the Board being able to reach conclusions in November and decide whether further steps were required.

108. He urged Iran to ratify its additional protocol without delay, thus cementing the favourable impression created by its willingness to act in accordance with the provisions of the protocol and helping rebuild international confidence in its intentions.

109. The immediate and full suspension of all enrichment-related and reprocessing activities was of the utmost importance. Iran had never fully suspended all such activities and, following the Board's meetings in June, had chosen to demonstrate its contempt for the latter's opinion by reversing previously announced decisions. International confidence was not something that could be turned on and off like a tap. That suspension should include the commissioning tests and any other production processes at the Uranium Conversion Facility. He also called on Iran to reverse its decision to commence construction of a research reactor moderated with heavy water, given the other reactor alternatives available which did not have the same implications for plutonium production.

110. In November, the Board should address all the issues raised under the agenda item in question over the preceding two years. To that end, it would be useful if the Secretariat provided the Board with a series of documents giving a clear recapitulation of the salient facts — not minutiae — as well as an up-to-date assessment of the technical safeguards issues covering both what the inspectors had found and the technical plausibility of Iran's statements.

111. The United Kingdom saw the resolution just adopted as a final call for full, verifiable suspension. If Iran failed to heed that call there might be no option in November but to seek the political backing of the Security Council.

112. Ms. BANKS (New Zealand) expressed concern over the serious outstanding questions about Iran's nuclear programme, in particular regarding its P-2 centrifuge programme and contamination. She welcomed the progress made in the Agency's investigations and the fact that Iran had continued to act as though its additional protocol were in force. Some issues appeared to have been clarified, such as the laser enrichment activities and the uranium conversion experiments. However, the Agency was still not in a position to verify that the Iranian nuclear programme was for peaceful purposes only.

113. Iran needed to cooperate further and show full transparency, and the cooperation of third parties in the speedy provision of relevant information was also important.

114. New Zealand acknowledged Iran's right to develop a nuclear energy programme for peaceful purposes, provided it met all its safeguards obligations and ensured the transparency of its activities. However, where international confidence in a country's nuclear programme had been eroded, it was incumbent on the State concerned to rebuild that confidence. In that context, she welcomed Iran's voluntary decision in October 2003, and its further decision in February 2004, to suspend its enrichment-related and reprocessing activities. Its subsequent partial reversal of those decisions was disappointing. The planned hot tests at the Uranium Conversion Facility gave particular cause for concern.

115. Well over a year had elapsed since the process of investigation had begun, yet the Agency had still not been provided with all the information it needed to give authoritative assurances to the international community. New Zealand hoped that the Director General would be able to complete his investigations by November and urged Iran to recommit itself to full suspension of its enrichment-related and reprocessing activities.

116. Mr. MINTY (South Africa) commended the Agency on its highly professional efforts and the Iranian authorities on their continued cooperation.

117. In his introductory statement, the Director General had made a distinction between two interrelated but distinct sets of issues: on the one hand, Iran's legal obligations under its NPT safeguards agreement and, on the other, Iran's voluntary undertakings to suspend enrichment-related and reprocessing activities as a confidence-building measure. That distinction was also pertinent to the Board's deliberations.

118. The Director General's latest report welcomed the additional information recently provided by Iran in response to the Agency's requests, including the prompt provision of clarifications concerning its initial declaration pursuant to its additional protocol. Also, Iran had allowed six complementary accesses since June 2004. The Agency continued to make steady progress in gaining an understanding of the Iranian nuclear programme. If verification continued unhindered and the Agency was able to draw definitive conclusions confirming the correctness and completeness of Iran's declarations on all aspects of its nuclear programme, the Board could bring its consideration of the issue to a close. However, if factual findings of serious concern came to light, the Board would have to reach appropriate conclusions.

119. His delegation noted from the report that while the investigations of Iran's laser enrichment activities and uranium conversion experiments had reached the point where further follow-up could be carried out through routine safeguards implementation, concerns remained over the origin of the HEU and LEU contamination found at various locations and the cooperation of other countries was required to clarify that situation. He urged the countries in question to provide full and prompt cooperation to

the Agency. Also active cooperation was needed by Iran to clarify the remaining questions on its P-1 and P-2 centrifuge activities.

120. South Africa recognized the inalienable right of all States to utilize the atom for peaceful purposes only, as provided for in Article IV and in conformity with Articles I, II and III of the NPT. As had been agreed at the 2000 NPT Review Conference, each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel cycle policies. Ownership of capabilities that could be utilized to develop nuclear weapons placed a special responsibility on the States concerned, especially those that had developed full nuclear fuel cycles. The Agency had to be able to verify that all such capabilities were being used for peaceful purposes only, including through the strengthened mechanisms available under the additional protocol. Should recent experience show that the existing instruments available to the Agency were inadequate, that issue should be discussed collectively in the relevant multilateral fora and, if necessary, new measures should be negotiated within the relevant institutions. The matter would also need to be discussed at the 2005 NPT Review Conference. Any legally binding instrument had to be the result of an inclusive and all-encompassing process. Dialogue and cooperation were therefore essential.

121. States had a responsibility to build confidence with the international community in order to dispel legitimate concerns over nuclear weapons proliferation, which required transparency and full cooperation with the Agency. South Africa welcomed the fact that the Agency had been able to verify Iran's suspension of enrichment-related activities at specific facilities and sites. On the other hand, in the context of confidence-building measures, it could not countenance unwarranted restrictions on access to the peaceful uses of nuclear energy by States which were fully compliant with their NPT obligations. That exacerbated the inequalities already inherent in that Treaty and undermined one of the central bargains contained in it.

122. No action should be taken by the Board that might impinge on the Agency's statutory obligation to verify compliance with its safeguards agreements in an impartial and unbiased manner. It was of paramount importance to the integrity and survival of the Agency that the Iranian issue be resolved in a manner which strengthened and did not weaken the organization. Failure to do so would further weaken the NPT, the only legally binding instrument that sought to ensure nuclear disarmament and nuclear non-proliferation.

123. South Africa had been profoundly disappointed at the inflexibility shown by some of the negotiating partners in arriving at the final text of the resolution just adopted. While the Director General's reports had been increasingly positive regarding the level of cooperation Iran was providing, the Board's resolutions had become increasingly strong. Negotiation was needed, and not confrontation, if the matter was to be resolved in a manner that contributed to maintaining the solidarity of the Board and strengthening the Agency. The proposals his country had made for improvements in the language of the resolution had been based on issues of principle and aimed at ensuring that the text accurately reflected and was fully consistent with the powers and mandate of the Board. Moreover, South Africa had consistently emphasised the importance of differentiating between Iran's legal obligations and the confidence-building measures that it had voluntarily undertaken, though the latter were clearly important to dispel proliferation concerns.

124. Recent developments regarding the original agreement between the three European countries and Iran were also cause for concern. While his country was grateful to those countries for their efforts and to Iran for its cooperation in agreeing to the voluntary confidence-building measures, it was essential that all pertinent issues be clarified and resolved with the necessary goodwill and good faith if further progress was to be achieved.

125. To date, the Agency had not reported any evidence of diversion of Iran's nuclear programme for military purposes. He reiterated his call on Iran, and relevant third countries, to provide assistance to the Agency so that all outstanding issues could be clarified. Also, he urged all Board members to continue to act in a coordinated and unified manner.

126. Ms. RIBEIRO MOURA (Brazil) commended the Director General on his latest report and expressed support for the Secretariat's efforts with regard to the implementation of Iran's safeguards agreement. She also expressed support for the statement made by the Governor from Malaysia on behalf of NAM, of which Brazil was an observer country.

127. Brazil had been in favour of NAM's proposed amendments to the resolution just adopted. It believed that there was no legal justification under the Statute for including any commitments other than those deriving from Iran's safeguards agreement with the Agency as a basis for a decision by the Board. In that regard, her country had taken note of the statement delivered by France on behalf of the co-sponsors. Brazil had been able to join the consensus on the resolution on the understanding that that interpretation, especially with regard to operative paragraph 9, would be upheld.

128. Obligations under the NPT were binding on all parties to that Treaty at all times. That meant not only that strict and unequivocal compliance must be observed with regard to both non-proliferation and disarmament undertakings but also that all States must respect the inalienable right of States to develop research, production and use of nuclear energy for peaceful purposes.

129. Brazil appreciated that Iran had been responding in a constructive way to the serious and legitimate concerns of the Board and the international community, including through its voluntary application of additional protocol provisions and its voluntary decision to suspend enrichment and reprocessing activities.

130. Brazil trusted that the Iranian Government would cooperate promptly and fully with the Agency with a view to clarifying all outstanding issues and resolving the matter at the earliest possible date.

131. Mr. KHADDOUR (Syrian Arab Republic)* also expressed support for the statement made on behalf of NAM by Malaysia. His delegation noted the positive comments in the Director General's latest report regarding Iran's cooperation with the Agency, including the access it was providing to all locations and its voluntary decisions to take confidence-building measures. Syria hoped that the matter could be resolved within the framework of the Agency and was confident that that would constitute an important step with regard to efforts towards nuclear non-proliferation and the establishment of a NWFZ in the Middle East.

132. He underlined the right of all Member States, in accordance with the Statute, to benefit from peaceful nuclear applications and stressed that it was vital for Israel, as the only nuclear power in the region, to adhere to the NPT and submit all its nuclear facilities to Agency safeguards.

133. Mr. ZAMANINIA (Islamic Republic of Iran)* commended the Secretariat for its efforts and the professional way in which it was dealing with the Iranian issue. He also expressed gratitude to NAM for taking the lead in promoting the credibility and authority of the NPT and for withstanding the undue political pressure to which the Treaty was being subjected. He said that the Director General's report painted a promising picture of cooperation by his country, which was enabling the Agency to make steady progress towards resolution of the remaining issues. An end was clearly in sight.

134. The corresponding reaction in some circles was not so positive. While most of the international community was content to let the Agency clarify any misunderstandings and provide reassurances, extremist elements in one country had consistently shown contempt for the role of the Agency and similar multilateral mechanisms. Those elements felt threatened because the hysteria they had tried to create was on the verge of evaporating. Their solution was to abort the process forthwith and set the

stage for confrontation. The text of the resolution just adopted was inconsistent and ran counter to the letter and spirit of the Director General's report. It would be a major setback to the credibility of the Agency if the Board were to give in to that destructive tactic.

135. Since September 2003, more inspections had been conducted in Iran than in any other country in the history of Agency verification. Over 800 person days of the most intrusive inspections had produced no smoking gun; in fact, the inspections had further substantiated the Director General's original finding that there was no evidence of a nuclear weapons programme. The Board had been consistently obstructed from recognizing that finding.

136. Iran's standpoint remained unchanged. It continued to hold that, strategically, politically, economically and ethically, it was dangerous, illogical, costly and unacceptable for Iran to develop, possess and use nuclear weapons and other WMDs. Therefore, it had never sought nuclear weapons, but it did insist on its right to all aspects of nuclear technology for peaceful purposes.

137. To provide long-term assurances to the international community, in December 2003 Iran had signed and immediately started implementing an additional protocol. In May 2004, it had in record time produced its original declarations, contained in 1033 pages. Subsequently, Iran had submitted a revised version of those declarations, including detailed information about its R&D programmes over the coming 10 years, as well as export and import declarations. Furthermore, it had allowed 13 complementary accesses to various locations in accordance with the protocol, often at only two hours' notice. In his country's view, implementation of the additional protocol was the best guarantee to the international community of the peaceful nature of Iran's nuclear programme.

138. As a temporary confidence-building measure, Iran had taken the voluntary step of suspending its lawful uranium enrichment activities. It had even expanded those voluntary measures as a result of an agreement with the three European Union countries. For its part, Iran had implemented that agreement fully and had allowed the Agency to verify its voluntary measures. On the other hand, the other side had not met its commitments. The scope of the suspension had thus been readjusted. Once again, Iran had carried out its measures in full, as had been verified by the Agency. He drew particular attention to the non-binding and voluntary nature of those measures.

139. The representative of Australia had claimed that Iran's actions since the June 2004 meetings of the Board had further undermined confidence in its nuclear intentions. The Director General's report, to the contrary, testified to the positive trend of cooperation and the steady progress in investigations towards conclusive corroboration of the correctness and completeness of Iran's declarations. Iran had recently provided additional information in response to Agency requests, including clarifications of its initial declaration under the additional protocol. Also, the investigations on laser enrichment activities and Iran's declared uranium conversion experiments had reached a point where further follow-up would be a routine safeguards matter. The Agency had made major progress on the key issue of uranium contamination. On the basis of its analysis, it now appeared plausible that the HEU contamination found might not have resulted from uranium enrichment by Iran. Also, the Agency had gained a better understanding of Iran's efforts to manufacture and use P-1 and P-2 centrifuges.

140. However, the resolution just adopted made no single positive reference to Iranian cooperation. One, qualified, positive reference had been removed from the revised draft. Several important Agency findings — namely, conclusion of the laser enrichment and uranium conversion investigations, and the plausibility of the foreign sources of HEU contamination — had also been omitted from the resolution. He recalled that in November 2003 a vicious campaign had seen to it that there was no reference to the Agency's finding of no evidence of diversion in the resolution contained in document GOV/2003/81. Nevertheless, robust and intrusive inspections had factually substantiated that finding.

141. Total disregard for such important conclusions undermined the integrity and credibility of the Agency's safeguards regime. For some, the Agency's reports were useful only if they corroborated their own allegations. If not, the work of the Agency was ridiculed and neglected, as was the case in the resolution just adopted. That resolution was inconsistent. Instead of looking forward to the inevitable vindication of Iran after further investigation, it turned the clock backwards, presumably as an attempt to impose requirements that went beyond the existing legal regime. NAM's commitment to processing of the issue within the forum of the Agency had thwarted that attempt. Also, as the United Kingdom had pointed out, Iran's voluntary decision to suspend activities as a confidence-building measure did not constitute a legal obligation.

142. Responding to the representative of Canada's statement that the Board was duty bound to report past failures to the Security Council, he said that that was a misinterpretation of the Statute, which did not bear legal scrutiny.

143. The statement made by the representative of the United States of America contained little, or nothing, that was new. It had been full of conjecture trying to convince members of the Board and the Director General that Iran did have a nuclear weapons programme. The United States delegation had elected not to hear the Director General's report inasmuch as it did not corroborate its own speculations. United States officials had circulated, via open sources, allegations of an Iranian nuclear programme, 13 of which had been followed up by the Agency through complementary access. None had been substantiated. He invited the representative of the United States to present some facts to justify her country's allegations.

144. Replying to the representative of the United Kingdom's comment about confidence building not being a tap that could be turned on or off, he said that modern taps did not take a year to open or close. For over a year, Iran had been applying the provisions of the additional protocol to provide assurance about the peaceful nature of its programme. It would continue to do so.

– Tributes

145. The CHAIRMAN paid tribute to those who had left or would be leaving Vienna shortly: Mr. Fritz K. Poku, the Resident Representative of Ghana, Mr. Thordur Aegir Oskarsson, the Resident Representative of Iceland, Mr. Jaynarain Meeto, the Resident Representative of Mauritius, Mr. Alberto J. Altamirano Lacayo, the Resident Representative of Nicaragua, Mr. Rolf Trolle Anderson, the Resident Representative of Norway, Mr. Henryk Szlajfer, the Resident Representative of Poland, Mr. Vanu Gopala Menon, the Resident Representative of Singapore, Mr. Somkiati Ariyapruhya, the Resident Representative of Thailand, Mr. Hurşit Aydın Sahinbaş, the Resident Representative of Turkey, and Mr. Volodymyr Ohrysko, the Resident Representative of Ukraine. On behalf of the Board he wished them all well for the future.

146. Finally, he extended the Board's best wishes for the future to Mr. Ian Biggs, the Director General's Special Assistant for Policy, who had done an excellent job over the past years during an especially challenging time for the Agency.

The meeting rose at 6.20 p.m.