

IAEA Board of Governors

Record of the 1139th Meeting
GOV/OR.1139

Nuclear Verification
(d) Other safeguards implementation issues

Board of Governors

GOV/OR.1139

Issued: October 2005

Restricted Distribution

Original: English

For official use only

Record of the 1139th Meeting

Held at Headquarters, Vienna, on Thursday, 22 September 2005, at 10.10 a.m.

Contents

Item of the agenda ¹	Paragraphs
6 Nuclear verification	1–76
(b) The conclusion of safeguards agreements and of additional protocols (<i>resumed</i>)	1–2
(d) Other safeguards implementation issues (<i>resumed</i>)	3–76

¹ GOV/2005/70 (Corrected).

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.)

Ms. HALL		Chairperson (Canada)
Ms. FEROUKHI	_____	Algeria
Ms. KELLY		Argentina
Mr. SMITH		Australia
Ms. CLAEYS		Belgium
Ms. RICHTER RIBEIRO MOURA		Brazil
Mr. PROUDFOOT		Canada
Mr. ZHANG Huazhu		} China
Mr. WU Hailong		
Mr. MOREJÓN-ALMEIDA		Ecuador
Mr. CARON		France
Mr. HONSOWITZ		Germany
Mr. BEKOE		Ghana
Ms. MARTIN ZANATHY		Hungary
Mr. SHARMA		India
Mr. DE CEGLIE		Italy
Mr. AMANO		Japan
Mr. CHO Chang-Beom		Korea, Republic of
Ms. ESPINOSA CANTELLANO		Mexico
Ms. COPPOOLSE		Netherlands
Mr. SAMBO		Nigeria
Mr. BUTT		Pakistan
Mr. BELEVAN-McBRIDE		Peru
Mr. NIEWODNICZAŃSKI		Poland
Mr. SENNFELT		Portugal
Mr. BERDENNIKOV		Russian Federation
Mr. GAFOOR		Singapore
Ms. ŠIMKOVÁ		Slovakia
Mr. MINTY		South Africa
Ms. WIJEWARDANE		Sri Lanka
Mr. LINDELL		Sweden
Mr. DAOUAS		Tunisia
Mr. WRIGHT		United Kingdom of Great Britain and Northern Ireland
Mr. SCHULTE		United States of America
Ms. GARCÍA de PÉREZ		} Venezuela, Bolivarian Republic of
Mr. MÁRQUEZ MARÍN		
Mr. LAI NGOC DOAN		Vietnam
Mr. BAHRAN		} Yemen
Mr. SHARAF		
Mr. ELBARADEI	_____	Director General
Mr. ANING		Secretary of the Board

Representatives of the following Member States attended the meeting:

Afghanistan, Angola, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Egypt, Eritrea, Ethiopia, Finland, Greece, Guatemala, Holy See, Islamic Republic of Iran, Iraq, Ireland, Israel, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Monaco, Mongolia, Morocco, Namibia, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Romania, Saudi Arabia, Serbia and Montenegro, Slovenia, Spain, Sudan, Switzerland, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, Uruguay and Zimbabwe.

Abbreviations used in this record:

CTBT	Comprehensive Nuclear-Test-Ban Treaty
DIQ	Design Information Questionnaire
EU	European Union
HEU	high-enriched uranium
NAM	Non-Aligned Movement
OECD/NEA	Nuclear Energy Agency of the Organisation for Economic Cooperation and Development
NPT	Treaty on the Non-Proliferation of Nuclear Weapons

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

6. Nuclear verification

(b) The conclusion of safeguards agreements and of additional protocols (resumed) (GOV/2005/75)

1. The CHAIRPERSON said that an additional protocol to be concluded with Malaysia was ready for the Board's approval and was consequently before the Board in document GOV/2005/75. She took it that the Board wished to take the action recommended in document GOV/2005/75 and authorize the Director General to conclude with the Government of Malaysia, and subsequently implement, the additional protocol which was the subject of that document.

2. It was so decided.

(d) Other safeguards implementations issues (resumed) (GOV/2005/67)

3. Ms. HUSSAIN (Malaysia)*, speaking on behalf of the Non-Aligned Movement, stressed the basic and inalienable right of all Member States to develop atomic energy for peaceful purposes. While it fully supported efforts aimed at the non-proliferation of weapons of mass destruction, NAM maintained the principled position that non-proliferation and peaceful uses of nuclear technology should be addressed in a balanced and non-discriminatory manner. Furthermore, a clear distinction had to be made between the legal obligations of Member States under their respective safeguards agreements and their voluntary commitments, in order to ensure that such voluntary commitments were not turned into legal safeguards obligations. Member States should not be penalized for not adhering to their voluntary commitments.

4. The suspension of Iran's enrichment and reprocessing activities was a voluntary confidence-building measure which was not legally binding and should not be interpreted in any way as inhibiting or restricting the inalienable right of Member States to develop atomic energy for peaceful purposes.

5. All problematic issues should be resolved through dialogue and peaceful means and NAM therefore encouraged continued dialogue and cooperation between the three European countries and Iran to promote mutual confidence, with a view to facilitating the Agency's work on Iran's nuclear programme. In fostering an environment of cooperation to find a mutually acceptable solution to the issue, NAM appreciated all initiatives including that of South Africa.

6. Recognizing the Agency as the sole competent authority for verification, NAM had full confidence in the professionalism and impartiality of the organization. It strongly believed that all issues related to safeguards and verification, including the Iran issue, should be resolved within the framework of the Agency and on the basis of technical criteria.

7. NAM was pleased to note that all the declared nuclear material in Iran had been accounted for and that such material was not being diverted to prohibited activities. Corrective action had been taken, no new failures had been identified and the verification of the correctness and completeness of Iran's declarations was ongoing. NAM encouraged Iran to continue its proactive cooperation with the Agency to resolve outstanding issues.

8. Since October 2003, good progress had been made in Iran's correction of the failures reported and in the Agency's ability to confirm aspects of Iran's declaration. NAM was pleased to note that steady progress continued to be made in understanding Iran's nuclear programme and investigations

had reached a point where, with respect to its laser enrichment activities and declared uranium conversion experiments, further follow-up would be carried out as a routine safeguards implementation matter. Furthermore, Iran had granted the Agency, upon its request and as a transparency measure, access to certain additional information and locations beyond those required under its safeguards agreement and additional protocol.

9. With regard to the first of the two remaining issues identified in the Director General's report, significant progress had been made towards ascertaining the origin of the uranium contamination found at various locations in Iran. The findings corroborated Iran's statement regarding the foreign origin of most of the observed HEU contamination. With regard to the second issue, i.e. the extent of Iran's efforts to import, manufacture and use centrifuges of both the P-1 and P-2 design, a better understanding had been gained of Iran's efforts relevant to both designs. Efforts were being made to further clarify that issue. The Agency had been able to verify Iran's suspension of enrichment-related activities at specific facilities and sites and confirm that the produced uranium hexafluoride remained under seal at the Uranium Conversion Facility.

10. NAM welcomed the substantive progress made in resolving the outstanding issues and remained optimistic that, with proactive cooperation from Iran, they would be resolved. Equally, it welcomed the declaration made by the President of the Islamic Republic of Iran at the 2005 United Nations General Assembly reaffirming Iran's commitment to continued interaction and technical and legal cooperation with the Agency, and the initiatives of Iran aimed at a greater degree of transparency, in particular with regard to its enrichment programme.

11. While it recognized the fact that the Agency's legal authority to pursue verification of possible nuclear weapons-related activity was limited, NAM was of the view that any request for additional legal authority had to be negotiated by Member States. In that regard, it stressed the importance of promoting and strengthening the multilateral process. Any remaining problems pertaining to the issue should be resolved only within the framework of the Agency with the active participation of the Director General and the cooperation of all parties involved, through continued dialogue and negotiations.

12. Mr. BERDENNIKOV (Russian Federation) thanked the Director General for his comprehensive, objective and professional report which had been prepared exceptionally speedily in response to the resolution adopted by the Board on 11 August 2005. It provided a good basis for calm, objective consideration of all aspects of the situation relating to the Iranian nuclear programme and should facilitate a decision leading to the resolution of the issue by diplomatic means, to the provision of reliable assurances of the peaceful nature of Iran's nuclear programme and the recognition of its right to peaceful uses of nuclear energy.

13. The Director General had concluded that no additional failures had been identified and that good progress had been made in removing the serious concerns over Iran's past nuclear programme. It was significant that one of the two main outstanding issues had been clarified, namely the foreign origin of the HEU contamination. With the active cooperation of the Iranian authorities, the Agency should be able to present to the Board its conclusions regarding the remaining unresolved issues.

14. With regard to Iran's recommencement of its uranium conversion activities at Esfahan, he noted that Iran's suspension of those activities had been a voluntary confidence-building measure which was not legally binding. Furthermore, all the uranium hexafluoride produced at Esfahan was under Agency monitoring and seals. Of course, the uranium conversion product could not by itself be used for weapons purposes and did not pose a threat to international security. Nonetheless, the recommencement of the uranium conversion activities, albeit under Agency supervision, did nothing to build confidence and only aggravated the situation. He expressed the hope that Tehran would find a

way of rectifying that situation, especially as uranium hexafluoride was not necessary for Iran's peaceful nuclear programme.

15. He stressed the importance of Iran's decision to continue its voluntary suspension of enrichment activities, which was an important confidence-building measure and should be maintained. He also noted Iran's declaration that it was willing to cooperate with the Agency in the carrying out of its verification activities and expressed the hope that that cooperation would meet the Agency's requirements as outlined in the Director General's report. The report provided a good basis for the continuation of the professional and unpoliticized work within the Agency on the Iranian nuclear programme, which should be the aim of the Board. Russia stood ready to work with other Board Members on a draft resolution that would constitute a balanced reaction to the report and would help reduce tension and facilitate resolution. It was important to maintain unity within the Board, which meant finding approaches that were acceptable to all and avoiding controversial decisions. Russia opposed any artificial escalation of the situation, including by referring it to the United Nations Security Council, which would be counter-productive both for the resolution of the Iranian nuclear issue and for the strengthening of the non-proliferation regime.

16. Mr. MÁRQUEZ MARÍN (Bolivarian Republic of Venezuela), stressing his country's commitment to the NPT, said that all members of the international community should comply strictly with the principles contained in that Treaty in the interests of peace and a world free from the terrible threat of illicit or destructive use of nuclear energy. As a State from a nuclear-weapon-free zone, Venezuela had consistently maintained that a balanced world, where all members of the international community could exploit their natural resources on an equal footing and where the right to self-determination was respected, could only be built through peaceful means. It had therefore spoken out on many occasions in favour of the inalienable right of States to the peaceful uses of nuclear energy, including the full nuclear fuel cycle and reprocessing.

17. Application of Agency safeguards to Iran's nuclear programme since 2003 had produced tangible results, as the Director General's report showed, with Iran's cooperation, its voluntary implementation of the additional protocol, and its temporary suspension of enrichment and reprocessing activities as a confidence-building measure. Those encouraging results showed that the best way of achieving full clarification of the Iranian nuclear issue was within the framework of the Agency, thanks to the latter's technical capabilities and the authority conferred on it by a balanced approach free from political bias. Nevertheless, in his introductory statement the Director General had called on Iran to assist further with the Agency's investigations in the interests of greater transparency and gaining the confidence of the international community. The Director General's report showed that there was no evidence that the Iranian nuclear programme contravened the NPT or that Iran was failing to fulfil its obligations under that Treaty. More time was needed, but there was no reason to conclude that the Agency had exhausted its possibilities for handling the issue. The proposal to refer the case to the Security Council was therefore unfounded and could only politicize the issue, and make an early solution more difficult to achieve.

18. In paragraph 35 of his report, the Director General stated that Iran had continued to act as if the additional protocol was in force, i.e. that it was fully complying with it without having ratified it. Paragraph 36 stated that Iran had facilitated, in a timely manner, Agency access under its safeguards agreement and additional protocol to nuclear materials and facilities. Paragraph 37 stated that Iran had, since October 2003, provided the Agency upon its request, and as a transparency measure, access to certain additional information and locations beyond that required under its safeguards agreement and additional protocol. Those were clear indications of the progress made in relations between the Agency and Iran, and efforts should continue in that direction with a view to clarifying all doubts or reservations that might exist in relation to the motivation and aims of Iran's nuclear programme. The statement by the President of Iran before the General Assembly in New York had been both opportune

and revealing. His proposal that public and private bodies from other countries participate in the development of Iran's nuclear programme through strategic partnerships had opened new doors to achieving the complete transparency of that programme.

19. For an adequate appraisal of the relations between the Agency and Iran in respect of that country's obligations under the NPT and its safeguards agreement, various considerations had to be borne in mind. First among those was the inalienable right of States to pursue the use of nuclear energy for peaceful purposes in accordance with the NPT and relevant international regulations, free from political or other forms of discrimination. Secondly, to apply fairly regulations related to the prevention of proliferation of nuclear weapons, a distinction had to be made between the legal obligations flowing from those regulations and voluntary commitments. The latter should not be interpreted as a relinquishment or restriction of the inalienable right to the peaceful uses of nuclear energy. Furthermore, when assessing States' compliance with their legal obligations, the same criteria and conditions had to be applied to all. Thirdly, considerable progress had been made in the Agency's verification of Iran's nuclear programme since October 2003, with the voluntary assistance of the Iranian Government.

20. The time had come to evaluate the Iranian nuclear programme on an equitable basis, applying the same criteria to all Member States without distinction, exclusion or discrimination, and without the political bias that characterized hegemonic imperialist aspirations. The Director General's report showed that there were no objective reasons for bringing the Iranian issue before the Security Council. In doing so, the Agency would be relinquishing its role, which would be tantamount to acknowledging its inability to handle the issue, despite the fact that it was handling it well. Such a step would be counterproductive, would compromise the Agency's reputation as a reliable and balanced multilateral organization, and would also mean giving in to the pressure exerted by other countries possessing nuclear technology that were trying to maintain exclusive control over fuel and reprocessing, thus perpetuating a dependency relationship that undermined the sovereign right of States to independent development. Taking the issue out of the Agency's hands would also break the consensus that had characterized its approach.

21. The invasion of Iraq, which had been justified through the doctrine of so-called pre-emptive war, had been a hard blow for the multilateral system of international relations, sidestepping the Security Council and basing itself on one-sided false reports. The then United States Secretary of State, Colin Powell, who had presented to the Security Council the arguments justifying the invasion of Iraq based on the supposition that that country had an arsenal of weapons of mass destruction, including nuclear weapons, which had never materialized, had recently admitted as much to the international press. There was now strong evidence that motives of a different nature might have been behind that useless war, which should provide food for thought for those who wanted to end the negotiations on the Iranian nuclear issue and pass it to the Security Council despite the fact that, as in the case of Iraq, there was no evidence of the existence of a non-peaceful nuclear programme. On the other hand, the fact that some nuclear powers had still not ratified the CTBT, thus impeding its entry into force, was cause for concern. That Treaty was one of the key international instruments for preventing the proliferation of nuclear weapons and promoting disarmament. Equally, current discussions regarding the possibility of using small nuclear weapons was also worrying.

22. On the basis of those considerations, his country was of the view that the assessment of Iran's nuclear programme should remain with the Agency and should not be passed to the Security Council.

23. Mr. WU Hailong (China) said that the negotiations on the Iranian nuclear issue had reached an extremely critical juncture. Cool-headedness, patience and wisdom were needed to handle that issue properly. Using diplomatic means within the framework of the Agency was conducive to peace and stability in the region and to safeguarding the international non-proliferation regime; it was also in line

with the fundamental interests of all parties. China therefore supported and encouraged continued dialogue and negotiation between the EU and Iran to seek a long-term solution. The urgent priority was for the EU and Iran to resume negotiations at the earliest possible date. Through negotiations, each party could fully state its case and make its own demands and the two sides could find the best balance that was conducive to safeguarding the interests of both. If negotiations were not resumed, no progress whatsoever would be possible and unpredictable consequences might ensue.

24. In the current situation the EU and Iran should take a long-term perspective and recognize what was in their own long-term fundamental interests and what was a realistic and feasible solution. In that context, it was critical that the Board's resolutions and the Paris agreement be properly implemented, that confidence-building measures should continue to be taken, and that the understanding of the international community should be increased. At the same time, Iran's legitimate concerns should be treated fairly and objectively. He called upon the EU and Iran to take real steps at the earliest possible date to resume their negotiations.

25. There was still a lot of room for a solution to the Iranian nuclear issue within the framework of the Agency. China hoped that the parties concerned would judge the situation properly and demonstrate the greatest measure of political will and flexibility, each side taking full account of the interests and concerns of the other. Through the concerted efforts of all parties it should ultimately be possible to find a good solution. His country stood ready to work with all parties in the diplomatic efforts to resolve the issue.

26. Mr. MINTY (South Africa) said that the Director General's report highlighted a number of important developments regarding the Agency's ongoing work to clarify some of the remaining issues relating to Iran's peaceful nuclear programme. The report showed a continuing trend of cooperation by Iran and recognized that, as a result of the corrective actions taken by Iran, the Agency had been able by November 2004 to confirm certain aspects of its declarations which were now being followed up as matters of routine safeguards implementation under the safeguards agreement and additional protocol.

27. At that time, the Director General had informed the Board that only two major areas required further clarification: the origin of contamination and the extent of Iran's efforts to import, manufacture and use centrifuges of both the P-1 and P-2 design. South Africa welcomed the progress made in clarifying the origin of the HEU contamination found at various locations in Iran and was grateful to the third countries that had cooperated in that process. With regard to the centrifuge programmes, some progress had been made since November 2004 in the verification of statements by Iran regarding the chronology of the programme, although the Agency had not yet been able to verify the correctness and completeness of those statements.

28. At the same time, his country had noted from the Director General's report that Iran had failed to report to the Agency in a timely manner certain underground excavation activities that were already underway in December 2004 at the Uranium Conversion Facility at Esfahan. Furthermore, although it had submitted the necessary design information in December 2004, it should have provided such information at the time when the decision was taken to authorize or carry out such construction, in accordance with the Subsidiary Arrangements of the safeguards agreement. According to the Director General's report, no additional failures had been identified. South Africa urged Iran to provide its continued full proactive cooperation and support to the Director General and his staff in order to allow the Agency to bring the matter to a close and restore confidence in the peaceful nature of its nuclear activities.

29. Turning to the issue of the confidence-building measures to which Iran had agreed in its effort to re-establish international confidence in the peaceful nature of its nuclear programme, he said that the inalienable right of all NPT members, including Iran, to pursue a nuclear programme for peaceful

purposes in conformity with their obligations under Articles I and II of the Treaty was recognized by all. However, it was important for States with access to advanced technologies that could also be used for the development of nuclear weapons to build confidence with the international community. In that context, South Africa had worked for and welcomed the confidence-building measures voluntarily implemented by Iran, including the suspension of its enrichment-related activities and later, as an additional measure, its conversion activities. However, such voluntary measures should not be equated with the legally binding obligations stemming from members' safeguards agreements with the Agency. South Africa had also welcomed Iran's decision to implement the additional protocol as if it had been ratified.

30. His country remained steadfast in its opposition to the development of nuclear weapons and was firmly committed to their total elimination. It also believed that the issues of nuclear disarmament and nuclear non-proliferation were inextricably linked. It agreed that Iran should not develop or acquire nuclear weapons and welcomed its assurances in that regard. Although the issue of Iran's nuclear programme could be viewed as a special verification case requiring special measures, in a very real sense all cases and situations were unique, as had been illustrated once again by recent events concerning the Korean Peninsula.

31. The Board had always acted in unison, focusing on finding peaceful and sustainable consensus solutions to specific unique situations. The challenges currently facing the Board required it to continue to strive for such consensus. The central objective was for the parties concerned to resume negotiations in good faith on the basis of the provisions of the NPT and within the framework of the Agency, addressing initially, as a matter of priority, the issue of conversion. With the necessary goodwill and flexibility it should not be beyond the reach of the Board to avoid division and confrontation, and to secure the prize of working together to find a peaceful and sustainable long-term solution. South Africa stood ready, as always, to cooperate on the matter.

32. Ms. FEROUKHI (Algeria) said that her country had noted with satisfaction the progress made in the Agency's work in Iran. No new undeclared activity or any diversion of nuclear material had been found. It was encouraging that certain activities in Iran's nuclear programme would henceforth be dealt with as part of routine safeguards activities. Moreover, cooperation between Iran and the Agency was being stepped up with a view to clarifying outstanding questions such as the origin of contamination and the P-1 and P-2 centrifuge programme. That progress and the improved understanding of the history of Iran's nuclear programme were the fruit of the collective work by the Board. Iran's willingness to expand its cooperation demonstrated the effectiveness of the decisions of the Board, which was eager to preserve the integrity, and the universal and non-discriminatory nature of the Agency's verification regime.

33. Further work was still needed to secure the clarifications necessary to re-establish the confidence which had been damaged by Iran's past undeclared nuclear activities. Her country noted with interest Iran's readiness to provide objective guarantees and to pursue wide-ranging cooperation with the Agency under its safeguards agreement and additional protocol. At the same time, the Agency had stated that it was ready to pursue and intensify the work that still needed to be done to provide the international community with the guarantees it expected regarding the exclusively peaceful nature of Iran's nuclear programme.

34. The wide-ranging cooperation with Iran had been disrupted by the resumption of uranium conversion activities on 8 August 2005, which had also disturbed the praiseworthy efforts of the three European countries. Though the suspension of conversion and enrichment activities was a voluntary confidence-building measure, it was important to preserve the climate of confidence needed for ongoing cooperation with the Agency and the partners concerned.

35. Given that the issue of the implementation of safeguards in Iran was at a critical juncture, and in view of the considerable efforts made by the Agency and the Member States in that regard, it was essential to keep the door open for dialogue and negotiation with a view to finding a solution in Vienna. She therefore urged Iran and its partners, and the members of the Board, to join forces in the search for a mutually acceptable solution based on the report of the Director General, the international instruments in force and, in particular, the sovereign right of States to nuclear technology for peaceful purposes.

36. Mr. BEKOE (Ghana) noted that good progress had been made in terms of Iran's correction of its reported failures and the Agency's ability to confirm aspects of Iran's current declarations. The Agency had also been able to verify Iran's suspension of enrichment-related activities at specific facilities and sites and confirm that the uranium hexafluoride produced had remained under seal at the Uranium Conversion Facility. Work was under way on a number of outstanding issues.

37. While Iran continued to reaffirm its commitment to the peaceful uses of nuclear technology and to the NPT, it was still essential for it to build confidence with the EU, the United States and other countries. Progress in such matters was rarely smooth. Ghana strongly encouraged the EU to continue its negotiations with Iran but, if those negotiations required a supportive role from the Security Council, his Government would favour that course.

38. Ms. RICHTER RIBEIRO MOURA (Brazil) said that her country took note of the progress made in relation to the verification of Iran's undertakings under its safeguards agreement, and the opinion expressed by the Director General to the effect that the Board had before it a special case which required additional transparency measures in order to enable the Agency to conduct a complete investigation. She urged Iran to extend the fullest cooperation to the Agency to help resolve the outstanding issues as soon as possible.

39. Brazil welcomed the initiative by the three European countries which had resulted in the Paris agreement of November 2004. All issues pertaining to international peace and security should preferably be resolved through dialogue and cooperation. The continuation of the voluntary, confidence-building measures agreed with Iran was essential to restore the confidence of the international community in the exclusively peaceful purposes of Iran's nuclear programme.

40. Recalling the inalienable right of parties to the NPT, including Iran, to develop research, production and the use of nuclear energy for peaceful purposes, she called on Iran to reverse its decision to start uranium conversion and urged it to resume the suspension of all enrichment-related activities as a temporary confidence-building measure. Such a course of action was fundamental to arriving at a satisfactory, consensual solution within the Agency to the benefit of international peace and security.

41. Mr. SHARMA (India) urged Iran to heed the call of the Director General to expand its transparency and continue with its confidence-building measures. India had consistently stated that the achievement of non-proliferation goals depended upon States complying with their obligations and commitments. Above all, any decision taken by the Board should be backed by a consensus. The Agency's integrity and the effectiveness and sensitive nature of the safeguards system should not be jeopardized. He stressed the importance of continuing diplomatic efforts, which in the past had always proved to be productive, and the need to respect and implement the results of such endeavours. Any statements and actions within the Board should aim at ameliorating the tense situation.

42. Mr. GAFOOR (Singapore) noted that the Director General had highlighted areas in which progress had been made since October 2003 in terms of Iran's correction of past breaches, and in terms of the Agency's ability to verify certain aspects of Iran's nuclear programme. That was a positive development. However, the Director General had also stated that the Agency was still

assessing other aspects of Iran's past nuclear programme and was not yet in a position to clarify some important outstanding issues, despite two and a half years of intensive inspections and investigation. Singapore shared the view that full transparency by Iran was indispensable and overdue.

43. The Director General had also made the point that the Board was dealing with a special verification case that required additional transparency measures to compensate for the confidence deficit created. His country endorsed the Director General's appeal for Iran to expand its transparency and confidence-building measures.

44. The Board was at a crucial turning point in its deliberations. The resolution adopted in August 2005 was the starting point for any decision. It underlined the importance of rectifying the situation and urged Iran to re-establish full suspension of all enrichment-related activities. Singapore urged Iran to implement previous Board resolutions fully in order to restore international confidence in its nuclear programme. The Board had to take action in order to preserve the credibility of the Agency and the integrity of the NPT. Any decision should be aimed at promoting a new phase of dialogue and negotiations, especially among the key parties involved. In that connection, he stressed the importance of the negotiations between the three European countries and Iran. Finally, the Board should strive to maintain its unity and cohesion.

45. Mr. BELEVAN-McBRIDE (Peru) said that, in the international arena, his country and Iran shared many aims and interests and had done so for several decades. The two countries had maintained cordial diplomatic relations with each other for over 30 years, both were active members of the Non-Aligned Movement and both belonged to the Group of 77 and China. As developing countries they also shared similar concerns over a globalized world where, sadly, unfairness, injustice and lack of understanding prevailed.

46. All parties to the NPT had the inalienable right to develop nuclear programmes for peaceful purposes. His country had been encouraged by the statements made by the EU and the United States recognizing that right.

47. Peru had supported the process of correction and clarification which the Agency had been conducting with the cooperation of the Government of Iran. It therefore deeply regretted the fact that, more than two years after that process had started, a country with which Peru shared so many objectives and interests had not given serious thought to the overriding need to implement without delay measures which would enable the international community to overcome a confidence deficit brought about by Iran's own omissions. It was also regrettable that, at a time when the possibility was being considered by some of restricting access to the complete nuclear fuel cycle even for strictly peaceful activities, a friendly country was continuing on a course of action that fuelled such plans.

48. He urged Iran to continue its cooperation so that the Director General could resolve the matter swiftly, ushering in a new era of transparency and confidence in Iran's nuclear programme. Time was running out, but the Board could still avoid referring the matter to another body. The possibility of negotiations between the three European countries and Iran was still open, and Peru offered its cooperation in that regard.

49. Mr. MOREJÓN-ALMEIDA (Ecuador) said that his country had welcomed the negotiations between Iran, Germany, France, the United Kingdom and the High Representative of the European Union which had begun pursuant to the November 2004 Paris agreement. It had also welcomed Iran's voluntary decision to continue the suspension and to expand it to include all enrichment and reprocessing activities, since that decision helped create a climate of international confidence conducive to dialogue and a comprehensive agreement with the three European countries. Ecuador regretted that Iran had resumed conversion activities and was deeply concerned that it might go back on its other voluntary commitments.

50. Nothing in the NPT could be interpreted as affecting the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination, but that right was conditional upon full compliance with a State's obligations under the Treaty and its safeguards agreement.

51. As the report indicated, all the declared nuclear material in Iran had been accounted for, and therefore such material was not being diverted to prohibited activities; however, the Agency was still not in a position to conclude that there were no undeclared nuclear material or activities in Iran and a number of outstanding issues still required resolution.

52. His country agreed with the Director General that Iran was a special verification case that required additional transparency measures going beyond the confines of the safeguards agreement and the additional protocol. Accordingly, it called upon Iran to expand the transparency and confidence-building measures it had begun in the preceding months.

53. He urged Iran to return to the negotiating table and to make every effort to find a solution that not only benefited the Iranian people but also met the non-proliferation expectations of the international community.

54. Ecuador had every confidence in the Director General and the Agency and appreciated the efficient, professional and impartial manner in which they had been dealing with the matter. The implementation of safeguards in Iran was an longstanding issue which required a solution, but it should continue to be dealt with on the basis of technical criteria and any decision by the Board should strengthen the authority of the Agency.

55. Mr. CARRERA DORAL (Cuba)* said that the Director General's report and his introductory statement revealed that the Secretariat had carried out an enormous amount of work in a highly professional manner, involving hundreds of hours of inspection and wide-ranging cooperation on the part of Iran and other Agency Member States, which had resulted in substantial progress towards clarifying the nature of Iran's nuclear programme. The number of outstanding issues had been reduced considerably. Iran continued to comply with its obligations under its safeguards agreement and additional protocol. All materials declared by Iran had been verified and none had been diverted towards prohibited activities. Ignoring those facts and alleging non-compliance on the part of Iran with its obligations under the NPT, a conclusion that had never been drawn by the Agency, and using that as the basis for reporting the issue to the Security Council, was an unacceptable act of political manipulation.

56. It was true that some issues were still pending and their clarification would require considerable effort by all parties concerned. The Agency, as the only body with the competence and the mandate to do that, could then, on the basis of objective and accurate information, draw definitive conclusions on the nature of Iran's nuclear programme. No such conclusions had been drawn thus far.

57. No State had the right to prejudge the nuclear programme of another or to politicize the debate on the matter, which was unfortunately what was happening at present.

58. Cuba firmly defended the sovereign and inalienable right to the peaceful uses of nuclear technology. No State could be required to limit its use of such technology unless its failure to comply with its commitments under the NPT had been demonstrated.

59. Currently, some major powers which had set themselves up as judges of good and evil were exerting pressure to report Iran to the Security Council for alleged non-compliance with the NPT on the basis of subjective and manipulated factors while, at the same time, openly accelerating vertical proliferation of nuclear weapons and conducting programmes to perfect such weapons in order to use them in their pre-emptive strike strategies, which was a clear and flagrant violation of the NPT. Such

conduct illustrated the double standards which were being applied in international relations. His country firmly rejected that approach. A State's legal obligations had to be clearly differentiated from political commitments which they made to demonstrate their good faith.

60. Given the progress made in the matter, the professionalism of the Secretariat's work, the spirit of cooperation shown by Iran to date, and the initiative Iran had recently presented in New York as a step towards increasing the transparency of its enrichment programme, Cuba was more convinced than ever that the issue should be dealt with within the Agency. It firmly opposed the matter being passed on or reported to the Security Council. Quite apart from the lack of any technical or legal basis for such a step, it would be a grave error, since it could put at risk the ongoing progress made by the Agency and undermine the latter's authority.

61. Mr. SHARAF (Yemen) expressed the hope that the three European countries and Iran would continue their negotiations with a view to arriving at an acceptable solution.

62. Mr. GHANEM (Syrian Arab Republic)* commended the non-discriminatory and transparent nature of the Director General's investigation of the Iranian nuclear issue. Due recognition should also be given to Iran's cooperation, which had allowed the Agency to resolve almost all the outstanding issues over the preceding two and a half years. The focus on Iran's failures and belittling of its achievements gave the impression that the true intention was to keep the sword of Damocles suspended over Iran's head. The significance of the statement made by Iran in the United Nations General Assembly should not be underestimated. Any attempt to refer the Iranian nuclear issue to the United Nations Security Council could prove counterproductive, which was something that nobody wanted.

63. Mr. CHIKANDA (Zimbabwe)* said that the report of the Director General provided a good basis for continued progress and constructive dialogue in regulating the Iranian nuclear verification issue within the Agency. New windows were opening for further dialogue and the Board should pursue that course.

64. Mr. AKHONDZADEH (Islamic Republic of Iran)* thanked the Director General for his report, and NAM for their cooperation and understanding.

65. A review of the technical and legal aspects of Iran's peaceful nuclear programme could easily lead to the conclusion that the international community had, to a great extent, been misled with biased, politicized and exaggerated information from certain quarters, when the issue should have been dealt with in a purely technical manner within the framework of the Agency. The financial contributions made by certain countries should not be a basis for fabricating false allegations against Member States.

66. The term 'concealment' was incorrect and misleading. Iran's failure to report such activities as the establishment of a nuclear facility, which under its safeguards agreement it was obliged to inform the Agency of through a DIQ form only 180 days before nuclear material was brought into the facility, was not concealment. It was important to remember that, when some of the activities in question had been initiated, the additional protocol had not even existed. The Agency had been informed about the enrichment plant at Natanz and the Uranium Conversion Facility four years before Iran was obliged to do so. Last but not least, the Agency was not legally in a position to judge the intentions of Member States. The term 'concealment' was therefore out of place.

67. Under the safeguards agreements, yellow cake was not subject to any safeguards procedures other than notification of imports and exports (INFCIRC/214, paragraphs 34(a) and (b)). Iran had imported 530 tons of that material and had informed the Agency accordingly. Although such material was not subject to safeguards, it had been fully verified by the Agency in 1998. The DIQ for the Uranium Conversion Facility had been submitted to the Agency in 2000, which was earlier than

required. Over the preceding 26 years, Iran had used a total of only 57 kg of that material in a number of laboratory-scale studies, including work for student theses. On several occasions, the results of that research had been published, presented at international conferences and had even been reflected in Agency fellowship application forms.

68. By November 2004, as a result of corrective measures and other activities undertaken by Iran, the Agency had been able to confirm certain aspects of Iran's declarations on its conversion and laser enrichment activities which, as reported to the Board, would be followed upon as routine safeguards implementation matters under the safeguards agreement and additional protocol.

69. With regard to the issue raised by the EU concerning the Gchine mine, although Iran was not obliged to report on uranium mines under its safeguards agreement, it had provided comprehensive information on mines, including the Gchine mine, which had been published in the so-called Red Book on uranium resources, production and demands which was published jointly by the OECD/NEA and the Agency. Under its additional protocol, Iran was required to provide the Agency with a declaration containing information specifying the location, operational status and the estimated annual production capacity of uranium mines. It was therefore strange that the EU had highlighted a minor issue like the name of the technician who had prepared the drawings for the ore grinding process as a reason to report Iran to the Security Council.

70. The comment by the EU that the total number of unprocessed irradiated UO₂ targets stored in containers had turned out to be much higher than the number previously declared was misleading, since the Agency was aware that number in question referred to the total number of batches and not the number of individual containers. The Agency also was aware that what mattered was the amount of irradiated nuclear material, which had agreed with the declared amount, and not the containers, which would be disposed of as waste.

71. With regard to the remark on polonium, it seemed that the EU had failed to recognize the fact that polonium was not a nuclear material and any activity related to its production or use was not subject to reporting under the safeguards agreement or even the additional protocol. However, in a spirit of cooperation, Iran had provided information on a research project which had been terminated over a decade ago.

72. Australia had misjudged paragraph 49 of the Director General's report, assuming that it referred to possible weaponization activities. The request made in paragraph 49 of the report was a general recommendation and applied to all Member States, including Australia. It was unfortunate that the representative of Australia had misjudged that part of the report.

73. The Director General had informed the Board that, since October 2003, Iran's cooperation had improved appreciably. That assessment was based on a series of important measures Iran had taken. It had voluntarily implemented its additional protocol as if it had been ratified. It had granted over 20 complementary accesses under the additional protocol, in many cases with only two hours notice or less. It had provided full and detailed information on chronologies, activities, research and progress reports on enrichment activities, uranium conversion, plutonium separation, mining and milling, research reactors and heavy water production. Following the allegations made by a certain country and the opposition terrorist group it supported, Iran had provided access to military sites such as Kolehdoz, Lavishan-Shian and Parchin and the results had not revealed any evidence of activities involving the use of nuclear material, nor had the Agency's inspectors seen any relevant dual-use equipment or material, proving that the allegations were unfounded. In January 2005, free access had been granted to a military site, environmental samples had been taken and the Director General had reported the results. On 21 May 2004, Iran had submitted over 1000 pages of initial declarations under the additional protocol and had subsequently routinely updated those declarations which had been

verified by the Agency. Finally, it had granted unrestricted access during over 1300 man-days of inspections since 2003, which was without precedent in the history of the Agency.

74. As the President of Iran had indicated on 17 September 2005, Iran was prepared to engage in serious partnership with the private and public sectors of other countries in the implementation of the fuel cycle, as a confidence-building measure. That process provided for the utmost transparency and could serve as a solid basis for finding the best solution to the current unwanted impasse. Interaction and technical and legal cooperation with the Agency would be the centrepiece of Iran's nuclear policy. The initiation and continuation of negotiations with other countries would be carried out within the framework of Iran's interaction with the Agency.

75. Iran was conscious of the concerns regarding its resumption of conversion activities and recognized the need to demonstrate the peaceful purposes of such activities. However, as the Director General's report mentioned, all activities at the Uranium Conversion Facility were under full Agency supervision and the product was under Agency seal.

76. Iran invited the Director General to visit Tehran to discuss the remaining outstanding issues, and ways to enhance cooperation with a view to enabling the Agency to provide assurances regarding the peaceful nature of its nuclear programme. Several proposals had been presented that could be considered within the framework of negotiations. Only by engaging in negotiations in good faith, free of duress and threats, could confrontation be avoided. Iran was firmly and wholeheartedly prepared to engage in such negotiations. Above all, the process required time. He called on the Board to put the threats back in the drawer, return to the negotiating table and allow the time required to resolve the matter through peaceful means.

The meeting rose at 11.45 a.m.