

IAEA Board of Governors

Record of the 1141st Meeting
GOV/OR.1141

Nuclear Verification
(d) Other safeguards implementation issues

Board of Governors

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Record of the 1141st Meeting

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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
Mr. NIEUWENHUYS	Belgium
Ms. RICHTER RIBEIRO MOURA	Brazil
Mr. PROUDFOOT	Canada
Mr. WU Hailong	China
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. BINDOVÁ	Slovakia
Mr. MINTY	South Africa
Ms. WIJEWARDANE	Sri Lanka
Ms. MELIN	Sweden
Mr. DAOUAS	Tunisia
Mr. WRIGHT	} United Kingdom of Great Britain and Northern Ireland
Mr. JENKINS	
Mr. SCHULTE	United States of America
Mr. MÁRQUEZ MARÍN	Venezuela, Bolivarian Republic of
Mr. LAI NGOC DOAN	Vietnam
Mr. SHARAF	Yemen
Mr. ELBARADEI	Director General
Mr. ANING	Secretary of the Board

Representatives of the following Member States attended the meeting:

Austria, Azerbaijan, Bosnia and Herzegovina, Burkina Faso, Cameroon, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Denmark, Egypt, Estonia, Ethiopia, Finland, Georgia, Greece, Guatemala, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Israel, Jordan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Malta, Mongolia, Morocco, New Zealand, Niger, Norway, Paraguay, Philippines, Republic of Moldova, Romania, Serbia and Montenegro, Slovenia, Spain, Sudan, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Ukraine, United Arab Emirates.

Abbreviations used in this record:

DPRK	Democratic People's Republic of Korea
EU	European Union
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
SIR	Safeguards Implementation Report

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

6. Nuclear Verification

(d) Other safeguards implementation issues (continued) (GOV/2005/76)

1. Mr. JENKINS (United Kingdom), introducing the draft resolution contained in document GOV/2005/76, said that the path that had brought the Board of Governors to where it was now had begun in 2003. Almost two years previously the Director General had reported to the Board that Iran had concealed many aspects of its nuclear activities, with resultant breaches of its obligation to comply with the provisions of its safeguards agreement. The Board had held back from reporting Iran's non-compliance because that country had committed itself to taking steps to rebuild confidence in the peaceful nature of its programme. It had been hoped that the necessary confidence would be restored through a negotiating process leading to a long-term agreement.
2. The current situation, two years later, was that Iran had gone back on significant confidence-building commitments and there were still important outstanding questions that needed to be clarified. It was against that background that the United Kingdom, France and Germany were submitting the resolution.
3. There was nothing in the resolution that sought to affect the inalienable right of all parties to the NPT to develop nuclear activities for peaceful purposes. The text made it clear that the issue was specific to the circumstances in which the Board found itself in relation to Iran.
4. He underlined that there were grounds for making the report required under Article XII.C of the Agency's Statute and the notification required under Article III.B.4. Operative paragraph 3 explicitly left open the timing and content of such a report and notification, deferring them to a future Board meeting and a separate Board decision. Time might still enable Iran to take the steps necessary to start restoring confidence, as requested by the Board. That operative paragraph would allow Iran to influence when action was taken and the context in which it was received. It kept the issue within the Board and responded to the requests by other delegations to allow time for further diplomatic contacts with Iran.
5. Operative paragraph 4 reiterated past calls to Iran to implement the transparency measures that the Director General considered would be helpful and the confidence-building measures that the Board had requested.
6. Operative paragraph 5 called on Iran to observe fully its commitments and to return to the negotiating process, which was dependent on full respect for those commitments.
7. Operative paragraph 6 made it clear that the Agency continued to have full responsibility for the verification of nuclear declarations made by Iran.
8. The three sponsors hoped that the draft resolution would commend itself to Governors. It enabled the Board to react in an appropriate manner to the situation created by Iran's notification of 1 August to the Director General, which had prompted the Board to express concern on 11 August. It gave Iran an opportunity to heed calls from the Board to rectify the situation and observe fully its commitments.
9. The CHAIRPERSON proposed that the Board proceed to a decision on the draft resolution contained in document GOV/2005/76.

10. At the request of Mr. Márquez Marín (Bolivarian Republic of Venezuela), a roll-call vote was taken.

11. Yemen, having been drawn by lot by the Chairperson, was called upon to vote first.

12. The result of the vote was as follows:

In favour: Argentina, Australia, Belgium, Canada, Ecuador, France Germany, Ghana, Hungary, India, Italy, Japan, Republic of Korea, Netherlands, Peru, Poland, Portugal, Singapore, Slovakia, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bolivarian Republic of Venezuela

Abstaining: Algeria, Brazil, China, Mexico, Nigeria, Pakistan, Russian Federation, South Africa, Sri Lanka, Tunisia, Vietnam, Yemen.

13. There were 22 votes in favour and 1 against, with 12 abstentions. The draft resolution was adopted.

14. Mr. MÁRQUEZ MARÍN (Bolivarian Republic of Venezuela) said that his delegation disagreed with and was deeply uneasy at the procedure that had been followed to precipitate a decision of such importance despite the request for deferment put forward by NAM, China, Brazil, Mexico, the Russian Federation and others, which together constituted the largest group of member countries in the organization. The draft resolution had been distributed in English only a matter of minutes before the preceding meeting, which had made consultation with capitals very difficult, it being the weekend. Such a procedure ran counter to the democratic principles and the policy of consensus that characterized the Agency and had given it the credibility that it enjoyed in the international community.

15. Venezuela had voted against the resolution for several reasons. The resolution laid the groundwork for passing the issue to the United Nations Security Council and taking it outside of the Agency, closing the door to dialogue and negotiation which was how the matter should be dealt with, even though the safeguards procedures described in the Director General's report had uncovered no diversion in Iran's nuclear programme. Moreover, referring the matter to the Security Council, far from promoting resolution, was likely to complicate the issue and push it towards confrontation. There was no reason to assume that the Agency's role was played out. On the contrary, the Director General, in addition to recognizing the progress made in the verification process, had actually suggested that more time was needed to pursue the investigation, which would require Iran's full support.

16. The approach of the resolution was completely negative and politically biased. It did not take into account the progress made in the application of safeguards over more than two years, during which time Iran had demonstrated its willingness to cooperate with the Agency with a view to clarifying for the international community the true nature of its nuclear programme, had applied the additional protocol though it was not yet ratified, and had voluntarily suspended its enrichment and reprocessing activities. The resolution ignored Iran's willingness to continue cooperating with the Agency to prove to the international community the peaceful intent of its nuclear programme, to which it had a right like all member countries and on which no limits could be imposed.

17. The Director General had not reported definite non-compliance on the part of Iran, even though the Agency was the body with the technical capacity to make such a pronouncement. That fact had been omitted from the resolution just adopted, showing its political bias and thereby setting a precedent that severely affected the technical credibility of the Agency.

18. Opening the door to refer the issue of Iran to the Security Council, and breaking with the practice of consensus, weakened the Agency, which was a highly important multilateral forum in the fight for non-proliferation of nuclear weapons and global disarmament.

19. Ms. HUSSAIN (Malaysia)*, speaking on behalf of the Non-Aligned Movement, said that the elements contained in the resolution did not form a complete basis for moving forward in seeking a constructive solution to the issue of Iran's nuclear programme. In view of the serious nature of the issues covered by the resolution, NAM had suggested that time be allowed for negotiations with a view to reaching a consensus decision and that the matter be discussed at the November meetings of the Board. However, its major concerns and those of other like-minded States had not been heeded. The draft resolution had been tabled very late the preceding evening, which had made it very difficult for delegations to obtain instructions from their respective capitals for a decision to be taken at the current meeting.

20. The resolution called into question the inalienable right of all States party to the NPT to develop atomic energy for peaceful purposes. It did not make a clear distinction between the legal obligations of Member States under their safeguards agreements and voluntary confidence-building measures. Any referral to the Security Council, whether explicit or implicit, prejudging Iran's non-compliance in the context of Article XII.C of the Statute and without allowing time for the Director General to complete his work and resolve the remaining issues, was not the correct basis for moving forward.

21. In that context, NAM welcomed Iran's readiness to resume negotiations with France, Germany and the United Kingdom and continued to underline the need for patience and restraint from all parties concerned. It was of the firm view that continued negotiations were the best way to move towards a constructive outcome.

22. Mr. SHARAF (Yemen) said that his country had urged that the three European countries and Iran should have more time to pursue their negotiations in order to arrive at a mutually acceptable solution. However, the draft resolution had been tabled hastily at the last minute and had made for division in the Board, instead of reinforcing its unity and promoting consensus. His delegation had been forced to abstain as it found no grounds for voting in favour of the resolution.

23. As a member of NAM, Yemen had sought to create a climate conducive to negotiation. The right to use atomic energy for peaceful purposes was the inalienable right of all Member States. Other States, such as Israel, did not just have nuclear capabilities, they also had weapons of mass destruction. Israel had not signed the NPT and was not being held liable for its activities. His country hoped that constructive negotiations would continue between the three European countries and Iran.

24. Mr. BERDENNIKOV (Russian Federation) said that his country looked upon the resolution as a signal to continue increasing the Agency's cooperation with Iran in order to clear up all outstanding issues with regard to that country's nuclear programme. The Russian Federation was against referring the Iranian issue to the Security Council as it was convinced that the Agency had the potential to settle the problem internally.

25. The Russian Federation had held intensive consultations with all interested parties, unfortunately — owing to a lack of time — without achieving the desired results. His country had been able to abstain in the vote because the draft resolution did not envisage the immediate referral of the Iranian issue, thus leaving open an opportunity to continue efforts to find a satisfactory solution within the Agency.

26. Mr. BUTT (Pakistan) said that his country had hoped to see a consensus in the Board on the resolution, despite the complex nature of the issue. It was regrettable that that had not been possible. Pakistan had abstained as it felt that a confrontational approach would not be conducive to regional

stability, which was of vital concern to his country. Despite the acrimony of the debate and the action that had followed, Pakistan hoped that the Agency could move forward and resolve — through negotiations — the broader issue of Iran's nuclear programme to the satisfaction of the Board of Governors.

27. Mr. GAFOOR (Singapore) said that his country had supported the resolution just adopted in the belief that it would preserve the Agency's credibility and the integrity of the NPT. For a small State like Singapore, the credibility of international organizations and the sanctity of international agreements was a paramount consideration.

28. The fundamental issue was the lack of international confidence in Iran's nuclear programme. It was in that context that the full implementation of previous resolutions became essential. The preceding resolution adopted in August 2005 had urged Iran to re-establish full suspension of all enrichment-related activities. It had given Iran an opportunity to rectify the situation. It was a pity that Iran had missed that opportunity and had still not fully complied with previous Board resolutions. The resolution just adopted gave it another opportunity which it should not miss.

29. The resolution did not mark the end of dialogue and diplomacy. His country saw it rather as catalysing a new phase of dialogue and negotiations between the three European countries and Iran. He urged Iran to resume full suspension of all its enrichment-related activities, including uranium conversion, which would send a strong signal of its commitment to dialogue and cooperation and its willingness to work with the three European countries and the Agency.

30. Ms. FEROUKHI (Algeria), speaking on behalf of her own country and Tunisia, said that both countries regretted that a consensus had not been reached and the extreme pressure the Board had been subjected to, particularly the countries of NAM. Algeria and Tunisia would remain motivated by the desire to achieve consensus on that important issue which had long-term implications.

31. Both countries also regretted that NAM's request for a delay of one week had not been received favourably. They remained convinced that the time factor was of fundamental importance for consensus and would have helped avoid a division in the Board which weakened the Agency.

32. The Agency needed to state its willingness to continue and intensify its work in Iran and to consolidate the progress that had been made on outstanding issues.

33. A consensus would have encouraged Iran to implement the resolutions adopted by the Board and could have reinforced the Agency's safeguards system. Both Algeria and Tunisia remained committed to consensus and were convinced that dialogue and negotiations remained the best instruments for the peaceful settlement of the Iranian issue.

34. Mr. MINTY (South Africa) protested strongly at the late start of the meeting.

35. The resolution just adopted addressed matters of critical importance. It was precisely because of the importance of those issues that South Africa, both in the context of NAM and in a national capacity, had appealed for more time for the process of dialogue and negotiation to yield positive results, even at such a late stage. The matter could only be resolved if all parties showed the necessary flexibility and commitment to a peaceful settlement.

36. South Africa and many other countries had abstained because of the time constraints imposed by certain parties. Sufficient time had not been allowed to consult on the far-reaching implications of the resolution and to receive the necessary instructions from capitals.

37. Since taking its seat on the Board in 1995, South Africa had worked consistently, both in a national capacity and in the context of NAM, to secure consensus on all matters dealt with by the

Board. When the matter of Iran had been considered at previous Board meetings, his country had made every effort to secure consensus and preserve the unity of the Board, despite its objections to certain elements.

38. NAM had also endeavoured to engage all parties in a transparent and proactive manner and achieve a consensus that would maintain the unity of the Board. Such an approach by the developing Member States of the Agency should be reciprocated. It was regrettable that the Board had not been accorded the time necessary to attempt to reach consensus. South Africa hoped that that would not set a dangerous precedent for future Board decisions.

39. His country was deeply disappointed at the way in which the matter had been dealt with and regretted the division it had caused. The successful implementation of any Board resolution required the full support and confidence of all members of the Agency. It was important that the Board adopted consensus decisions in order to preserve the integrity, authority and credibility of the Agency. All requests to defer a decision on the matter, in order to provide an opportunity for further consultations in an effort to reach consensus, had been rejected by the drafters of the resolution, forcing the Board to take a decision at the current meeting.

40. He asked whether the Board had not perhaps lost sight of the bigger picture. The decision just taken could have unfortunate and possibly serious consequences. South Africa had always attached great importance to the role, authority and integrity of the Agency and would not wish to do anything to undermine it. It was to be hoped that the essential verification role of the Agency had not been put at risk. The primary concern now was that the Agency complete its verification work.

41. Regardless of the content of the resolution, his country urged all parties to continue to exercise maximum restraint, to work relentlessly for a sustainable and peaceful resolution of the matter through dialogue and negotiations, and not to jeopardize the role and responsibility of the Agency.

42. Mr. WU Hailong (China) said that his country had always advocated that the issue of Iran should be properly addressed through negotiation and cooperation within the framework of the Agency and had not favoured referring it to the Security Council. Such an approach was conducive to maintaining peace and stability in the region and preserving the international non-proliferation regime, and was in the long-term interests of all parties.

43. The resolution just adopted by the Board risked taking the settlement of the Iranian nuclear issue outside the framework of the Agency. It failed to reflect in a balanced way the progress made in the Agency's verification activities in Iran. The manner in which the vote had been conducted was not conducive to the unity of the Board. On the other hand, the resolution did urge Iran to implement transparency measures and cooperate fully with the Agency, to resolve outstanding issues in respect of its nuclear activities and to return to the negotiating table. As those elements were not too far removed from the principles and goals that China expressed, it had abstained in the vote.

44. China had been making active efforts to promote the proper settlement of the Iranian nuclear issue at an early date within the framework of the Agency. It had supported the negotiations between Iran and the EU on a long-term solution. When those negotiations had encountered difficulties, it had made great efforts to bring about a resumption of the talks. During the current meetings of the Board, China had once again done everything in its power to find a solution to the issue and to maintain the unity of the Board. It was cause for deep concern that the EU and Iran had so far failed to find a way to resume their negotiations.

45. The international community should continue to promote diplomatic efforts within the framework of the Agency to resolve the Iranian nuclear issue. He called upon the EU and Iran to take a long-term perspective, to display the greatest measure of political will and flexibility, to take full

account of one another's interests and concerns, and to take real steps to break through the deadlock and resume negotiations at the earliest date. China hoped that the resolution would help achieve that goal.

46. Ms. KELLY (Argentina) said that her country did not question the right of Iran, or any other State, to develop peaceful nuclear fuel cycle-related activities. The peaceful nature of a nuclear programme was determined, essentially, by punctilious compliance with obligations under the NPT and under the safeguards agreement concluded with the Agency by a Member State. If shortcomings were detected by the Agency, the nuclear programme of the State in question was subject to suspicion pending investigation to determine whether non-compliance had indeed occurred. The Iranian issue was an isolated event relating specifically to that country. Argentina had therefore voted in favour of the resolution which in no way called into question the right of all countries to the peaceful uses of nuclear energy under Agency safeguards. The issue addressed by the resolution lay outside the normal scope of the peaceful nuclear activities of a State under the NPT and Agency safeguards.

47. Her country had always maintained that the central issue was the need for Iran to regain international confidence before beginning conversion and enrichment-related activities. There were still significant doubts regarding Iran's nuclear programme and the most constructive approach was that which had been advocated by the Board on previous occasions, i.e. the suspension of enrichment activities until Iran had dispelled concerns regarding the peaceful nature of that programme. The European proposal which had been presented to Iran contained reasonable elements which would allow that country to continue its legitimate access to the benefits of nuclear energy. The rejection of that proposal constituted a step backwards in the confidence-building process initiated by Iran in its negotiations with the three European countries. Referring the issue to the Security Council had always been an option for Argentina.

48. She expressed the hope that Iran would return to the path of dialogue and negotiation, and that the issue would be definitively resolved within the Board and the Agency. However, if it were not resolved there it would have to be referred to the Security Council. Such a development would be regrettable, but it was inevitable unless Iran took urgent corrective action, in particular with regard to the restarting of conversion activities.

49. Mr. MOREJÓN-ALMEIDA (Ecuador) said that his country had maintained and continued to maintain a position based on principle and firmly believed in the inalienable right of all States party to the NPT to develop research, production and use of nuclear energy for peaceful purposes without discrimination, provided they complied with their obligations under the NPT fully, with complete transparency and without delay.

50. The resolution just adopted aimed at reinforcing previous Board resolutions on the matter. Verification of Iran's nuclear programme would undoubtedly continue under the technical and objective authority of the Agency and the Board. That was in keeping with the international community's desire to reinforce the Agency and its authority to promote the peaceful uses of nuclear energy, bringing benefits to all countries and contributing to the aims of non-proliferation.

51. His country was convinced that the efforts of the preceding few days would help revive the dialogue initiated through the Paris agreement and reinforce the diplomatic process. It was sure that Iran would contribute positively to those objectives, that it would increase its transparency and would take the necessary confidence-building measures called for by the international community.

52. Ms. WIJEWARDANE (Sri Lanka) said that she would have preferred it if a spirit of consensus had prevailed during the consultations prior to the adoption of the resolution. She expressed the hope that the resolution would provide an opportunity for resuming diplomatic negotiations and would facilitate a comprehensive and long-term resolution of all issues, including the implementation of NPT

safeguards in Iran. Resolution of the issue was still possible within the Board, and the Agency had an important role to play.

53. Mr. LAI NGOC DOAN (Vietnam) said it was deplorable that the Board had voted on the resolution, departing from the Agency's usual practice of consensus. His country had always supported non-proliferation efforts. It affirmed the inalienable right of all Member States to use nuclear energy for peaceful purposes and recognized the Agency as the only competent authority for verification and safeguards issues and, in particular, the Iranian issue, which needed to be resolved through dialogue within the framework of the Agency. He encouraged the parties concerned to exercise restraint and engage in dialogue and negotiations with a view to reaching a mutually acceptable solution.

54. Ms. RICHTER RIBEIRO MOURA (Brazil) said that the Board bore a great responsibility with respect to the matter under discussion and the lack of consensus was regrettable. Brazil had always favoured keeping the Iranian issue within the framework of the Agency in order to uphold the latter's authority. Every effort should continue to be made to encourage negotiations and the resolution still allowed for that.

55. Her country was committed to disarmament and non-proliferation, which were closely interconnected. She expressed concern and disappointment at the outcome of results of the NPT Review Conference held in New York in May 2005 and at the lack of consensus on disarmament and non-proliferation in the United Nations high-level summit documents.

56. Brazil would have wished for more time, and a more adequate process, to consider such an important resolution. Referring to operative paragraph 4, subparagraphs (i) and (ii), she said the text could have been improved to reflect properly the legal framework of the safeguards agreements and the additional protocol. Iran was a special case, and Brazil had abstained so as not to create a precedent.

57. Her country supported the EU initiative and the Paris agreement of November 2004. The continuation of the voluntary confidence-building measures which had been agreed with Iran was vital to restoring the confidence of the international community in the exclusively peaceful nature of its nuclear programme. Brazil recognized the inalienable right of all States party to the NPT, including Iran, to develop research, production and use of nuclear energy for peaceful purposes.

58. Finally, she called on Iran to resume its suspension of uranium enrichment-related activities as a temporary and voluntary confidence-building measure. That would contribute significantly to moving beyond the current deadlock. Brazil had abstained in the vote on the understanding that the resolution still allowed time for diplomatic efforts to reach a peaceful, long-term solution.

59. Mr. BELEVAN-McBRIDE (Peru) said that his country had always defended the legitimate right of all States to develop research, production and use of nuclear energy for peaceful purposes and would continue to do so in all fora and situations where that completely inalienable and sovereign right was under discussion. Biased or subjective use of a right weakened it to the point where it was no longer effective or operative. It was therefore essential, particularly for developing countries which were perhaps most in need of nuclear capacity to further social and human development, that every effort be made to prevent that right from being subjected to interpretations and limitations. In the current complex situation, where some were calling into question the right of States such as Peru, which were fully compliant with their international obligations, to have access to the entire nuclear fuel cycle for strictly peaceful purposes, it was essential that the right of the international community to see any circumstance which could compromise international security rectified and clarified should prevail.

60. He praised the efforts made by various delegations, and particularly NAM, and expressed regret that those efforts had not led to a consensus. Furthermore, any action relating to the resolution should not be deemed to set a precedent, nor should any voluntary safeguards-related commitment implemented in good faith by a State be allowed to become an obligation.

61. Mr. SHARMA (India) said that he had studied the resolution tabled by the three European countries and there were elements in it which caused his country some difficulty.

62. The resolution recognized that good progress had been made in Iran's correction of the breaches and in the Agency's ability to confirm certain aspects of Iran's current declarations. There was therefore no justification for finding Iran to be non-compliant in the context of Article XII.C of the Agency's Statute. It would also not be accurate to characterize the current situation as a threat to international peace and security.

63. The resolution did address the two major preoccupations of his country. Firstly, India had consistently maintained that more time should be allowed to explore all possible ways of reaching a satisfactory resolution of the issues that had arisen. The draft resolution had conceded as much by deferring to a later date the taking of a decision on how the matter should be handled. Secondly, India was opposed to referring the matter to the Security Council at the current stage because it did not believe that was justified by the circumstances, and the resolution kept the matter within the purview of the Agency itself. India's support for the resolution, despite its reservations, was based on the assumption that the intervening period would be used by all to expand the diplomatic space and address satisfactorily all outstanding issues. The door should be kept open for dialogue and consensus, and confrontation should be avoided.

64. The Board had so far dealt with the matter through a series of consensus resolutions and his country would have preferred it to maintain that tradition. His country's objective was to enable the Agency to fulfil its mandate in Iran in the most efficient manner possible and to ensure the international community received the assurances it needed. He welcomed the cooperation extended by Iran to the Agency to enable the latter to fulfil its mandate. Iran had, at the highest level, declared that it did not aspire to acquire nuclear weapons capability, a solemn assurance of which the international community should take note. It had the inalienable right to pursue a peaceful nuclear energy programme and that right had to be respected. He felt confident that, in the coming days, a way would be found of reconciling Iran's need for nuclear energy for development with the international community's concern for non-proliferation. India was prepared to work together with Board members to facilitate a satisfactory outcome.

65. Ms. ESPINOSA CANTELLANO (Mexico) reaffirmed her Government's commitment to disarmament, non-proliferation and the total elimination of nuclear weapons, issues which had been and would continue to be central to Mexico's foreign policy. As long as nuclear weapons existed on the face of the earth, there would always be a risk that they might be used. Nuclear weapons were inherently dangerous, very costly, militarily ineffective and morally indefensible.

66. Mexico had taken an active part in the negotiation of the NPT and, since then, had maintained the position that all countries, including developing countries, had the right to the development and practical application of atomic energy for peaceful purposes for the benefit of their societies. The NPT clearly established obligations to ensure that nuclear energy would not be used for military purposes.

67. Her country had carefully followed the issue of the implementation of Iran's safeguards agreement and was grateful to the Director General and the Secretariat for their reports and work to clarify the nature of the Iranian nuclear programme. It was regrettable that outstanding issues remained and she urged Iran to take all necessary measures to resolve them as quickly as possible.

Mexico continued to hope that the Agency would be able to declare that the Iranian nuclear programme was of an exclusively peaceful nature.

68. Her country had supported Iran's requests for sufficient time to supply the necessary information. It attached great importance to the consensus which had so far prevailed in the work of the Board, and regretted the fact that it was being undermined. She called on all Agency members to redouble their efforts in that direction since, if consensus was lost, the Agency would be weakened and it was presently the only effective instrument for combating nuclear weapons proliferation and promoting the use of nuclear energy for peaceful purposes and sustainable socio-economic development.

69. The Mexican delegation had abstained in the vote on the resolution because it considered that it did not adequately reflect the state of implementation of the safeguards agreement in Iran and was unbalanced. Only the Agency had the required technical competence to determine whether or not there were breaches of obligations under Iran's safeguards agreement and to provide objective information to its members so that they could in turn determine the appropriate steps to take.

70. Having carefully examined the Director General's report contained in document GOV/2005/67, and following a technical and legal analysis of that report, her country believed that the outstanding issues could and should be resolved within the framework of the Agency. Recognizing, as the Director General had done in his report, that Iran was a special case requiring additional measures to those prescribed in the safeguards agreement and the additional protocol, Mexico considered that the decision taken did not establish a precedent whereby failure to comply with procedural rules was sufficient grounds for taking an issue out of the hands of the Agency.

71. She called on all parties to continue the negotiation process with a view to resolving outstanding issues and to work towards a long-term agreement. States should objectively demonstrate to the international community that their activities did not have military aims. Thus, nuclear activities had to be subjected to Agency verification, and transparency, accountability and timely cooperation in good faith were of fundamental importance.

72. Mr. SCHULTE (United States) agreed that the authority, integrity and credibility of the Agency were very important. That was precisely why it was important that, after years of reports on safeguards failures and breaches, the Board had finally acknowledged what it had known for two years, namely that Iran was non-compliant with its safeguards obligations. He requested that the resolution be publicly released and posted on the public website of the Agency.

73. Under the Agency's Statute, the Iranian issue required that a report to be sent to the Security Council. The Board had found that the nature of Iran's nuclear activities, combined with its long history of deception and concealment, gave rise to questions which lay within the Security Council's competence. His country was concerned that Iran's activities posed an increasing threat within the region and to the non-proliferation regime, and thus an increasing threat to international peace and security. He agreed that it was a special case requiring particular attention. Iran's activities, its pattern of deception and its confrontational approach, even over the preceding few days, had been a source of great concern to the world community. The resolution again called on Iran to stop the activities which caused the world such concern, to provide the Agency with the transparency which was so overdue, and to negotiate on the basis of the very generous offer of the three European countries.

74. He expressed the hope that Iran would take heed and that, rather than making more threats, it would pursue the path of cooperation and negotiation. Everyone's goal was a peaceful diplomatic solution which would benefit the Iranian people and give the world confidence that its activities were purely peaceful. He hoped that the leaders of Iran would choose that option.

75. Mr. CHO Chang-Beom (Republic of Korea) said that his country's decision to support the resolution had been the result of serious deliberation, and had been a difficult decision owing to the gravity of the implications. It had not supported the resolution out of a lack of respect for the legitimate concerns of other partners with dissenting views, but rather because it cared more about its firm commitment to the principles of nuclear non-proliferation, the credibility of the Agency and of the Board.

76. The Republic of Korea considered the intent of the resolution was not to cause unnecessary escalation, confrontation, or worsening of the situation, but that its main purpose was to assist and reinforce the Agency's ongoing verification work and facilitate diplomacy in resolving that long-standing and critically important issue.

77. He expressed hope that all parties would return to the negotiating table with renewed determination as quickly as possible and resume their constructive efforts to achieve a negotiated diplomatic solution. His country strongly supported the Director General and the Secretariat in their impartial, highly professional and dedicated efforts to resolve outstanding issues of concern. It was to be hoped that their work would continue uninterrupted and would build on the progress achieved so far, that more active and intensive cooperation would be forthcoming, and that the situation would be successfully resolved. Progress was urgently required in the interests of the Agency's credibility, the nuclear non-proliferation regime and the whole international community.

78. Mr. CARRERA DORAL (Cuba)* said that his country firmly believed that the resolution just adopted set a dangerous and shameful precedent in the history of the Agency.

79. The precedent was dangerous for two reasons. Firstly, the resolution stated that Iran had violated its NPT commitments, thereby providing a basis for referring the matter to the Security Council at any time. No such statement was made in any of the Director General's reports to the Board, which were based on the verification reports of the Agency's inspectors. On that basis, in the future any of the numerous failures or breaches reported regularly in the SIR could be manipulated and classified as a violation of NPT commitments, even if they had not been reported as such by the Director General. The work of the inspectorate was being misrepresented and the information presented by the Director General was being manipulated. The interpretation of the current situation was malicious and constituted a distortion of the Agency's Statute. Secondly, the case which had been made for referring the issue to the Security Council at any time was based on non-compliance not with legal commitments, but with commitments undertaken voluntarily by Iran as a sign of goodwill. What would happen in the future with other voluntary commitments undertaken by countries, such as under the additional protocol? Mistrust would undermine goodwill and the consequences for the strengthening of the safeguards system, which was so necessary, were unforeseeable.

80. The precedent was shameful because of the distortion and manipulation of information, the double standards applied, the arrogance shown, the underhand methods that had been used and the unjustified haste. How could the spirit of Vienna be invoked in the future? Many Southern countries had practically begged for a deferment of just a few days to be able to consult their capitals and work towards consensus, but that had been refused on procedural grounds.

81. In line with his country's moral stance with respect to the fulfilment of commitments undertaken, and in view of the respect that the Agency deserved, the need for strict compliance with the Agency's Statute and his country's attachment to the basic principles of NAM, if Cuba had been able to vote, it would have voted against the resolution, which was unacceptable.

82. Mr. AKHONDZADEH (Islamic Republic of Iran)* said that the day had been significant and would be remembered as a turning point.

83. For over two years, the Iranian issue had been lingering on the Board's agenda. Over that period, Iran had made unprecedented offers to restore confidence in the peaceful nature of its nuclear programme and had allowed pervasive and intrusive security measures. It had faced up to every challenge and answered every allegation, however unwarranted. As soon as a matter had been resolved, new allegations had been made, based on sketchy evidence which could not even be described as circumstantial, let alone hard and reliable, yet Iran had responded to each and every one and they had all been proved wrong. No evidence of diversion had been found at all. The sole instance where some evidence had surfaced had been the issue of the contamination, which it had been established was from outside sources. Under normal, fair and reasonable circumstances, since the Agency's latest findings had confirmed Iran's claim in that regard, the case should have been closed, as the remaining questions lay firmly within the realm of routine safeguards verification.

84. However, the Board had done just the reverse. To rake up old and remedied failures in order to claim non-compliance was simply outrageous and had no legal or technical basis whatsoever. No matter how far interpretation of the Statute and the safeguards agreement was stretched, no basis for involving the Security Council could be established. The Agency had confirmed that there was no evidence of diversion. It had stated that work was making good progress. It had noted that, in order to reach the ultimate and very rare conclusion of a clean bill of health under the additional protocol, it needed to carry out more work. Such an entirely positive situation in no way warranted a decision of such an adversarial nature. Most of the contents of the resolution were meaningless and had no substance or foundation whatsoever.

85. There was only one reason the resolution had been passed: its proponents, essentially Western nuclear-weapon States and their allies, were intent on establishing their newly adopted position that non-nuclear-weapon States should, in addition to their existing commitments, forgo once and for all their inalienable right to develop and produce nuclear fuel and power for peaceful purposes. There was no pretext under which the Board could call on a Member State to refrain from a peaceful activity which was totally permissible under the NPT and fully safeguarded and monitored by the Agency. Such a call was wrong and it created a precedent which was even more wrong. If it was heeded, no other State would be immune.

86. Under the Paris agreement, Iran had suspended work at the Uranium Conversion Facility at Esfahan on condition that a mutually acceptable agreement on its fuel enrichment programme could be reached. The proposal by the France, Germany and the United Kingdom calling for elimination of the fuel cycle effectively nullified the Paris agreement. The adoption of the draft resolution also violated the provisions of the Tehran declaration made by the three European countries and Iran. With the involvement of the Security Council, Iran would no longer have any commitment to the voluntary measures it had provisionally adopted under that declaration.

87. Iran had gone out of its way to seek and find agreement with Europe on the issue, demonstrating maximum flexibility at all times. It had engaged actively in extensive discussions and negotiations in order to settle the matter and avoid an unwanted crisis. Regrettably, and despite the goodwill of many, all efforts had failed. There was simply too much intransigence from its counterparts to accommodate any settlement.

88. Under those circumstances, Iran was prepared to continue its cooperation with the Agency in line with its safeguards obligations, to work with the Agency for the purpose of confidence building and transparency by implementing safeguards to provide continued assurances of non-diversion to nuclear weapons, and to continue negotiations with all States, in particular the three European countries, in the context of the initiative of the President of Iran presented at the United Nations General Assembly in September 2005. However, the approach hitherto of the three European countries of delay and procrastination was not acceptable. Furthermore, their unfounded calls for Iran to cease its peaceful nuclear activities, which betrayed the NPT and created a damaging precedent for all States, should be withdrawn.

89. If the confrontation persisted, Iran would meet that challenge. It would certainly not give up its right to a complete nuclear fuel cycle for its peaceful nuclear programme, and the threat of referral to the Security Council did not affect that decision. Iran did not seek confrontation, it did not welcome a diplomatic impasse, nor did it seek an end to negotiations. However, negotiations under threat were meaningless and not conducive to agreement. Faced with the threat of confrontation, Iran would have no alternative but to pursue and preserve its rights, which it would do resolutely.

90. Mr. KHADDOUR (Syrian Arab Republic)* said that the failure to respond to appeals by NAM and other Board members to allow more time for diplomatic negotiations was a saddening development for all concerned. It had already given rise to a split in the Board and constituted a break with the Board's customary practice of seeking consensus on all issues.

91. The fact that there was no explicit mention in the resolution of a referral to the Security Council demonstrated the weakness of the arguments used to justify such action. Moreover, anyone who supported non-proliferation of nuclear weapons should support the resolutions aimed at ridding the Middle East of nuclear weapons and not focus solely on Iran, preventing it from exercising its inalienable right under the NPT to acquire, use and develop nuclear energy for peaceful purposes. The Board's work should be based on trust, and it was wrong to proceed on the basis of negative expectations while it was still possible to work together for the restoration of confidence and transparency. It had to be asked what the real intentions were of a resolution concerning the lawful use of nuclear energy for peaceful purposes, when everybody knew that another party in the Middle East possessed dozens if not hundreds of nuclear warheads.

92. He stressed the importance of giving Iran credit for its willingness to pursue dialogue with a view to building confidence instead of burning bridges. His country continued to believe that the initiative recently announced by the President of Iran at the United Nations General Assembly provided an opportunity to dispel all doubts regarding the peaceful goals of that country's nuclear programme.

93. Ms. COPPOOLSE (Netherlands) requested that the Director General's latest report on the issue be declassified and made available on the Agency's website.

94. The CHAIRPERSON took it that the Board was in favour of making both the resolution just adopted and the report by the Director General publicly available on the Agency's website.

95. It was so agreed.

– Tributes

96. The CHAIRPERSON paid tribute to those who had left or would be leaving Vienna shortly: Mr. Thiebaud, the Governor from France; Mr. Takasu, the Governor from Japan, Mr. Christensen, the Resident Representative of Denmark, Mr. Villemur, the Resident Representative of France, Mr. Burduli, the Resident Representative of Georgia and Mr. Faber, the Resident Representative of Luxembourg.

97. In conclusion, she said that it had been an honour and a pleasure for her to serve as Chairperson.

The meeting rose at 6.55 p.m.