

IAEA Board of Governors

Record of the 1219th Meeting
GOV/OR.1219

Nuclear Verification

(c) Report by the Director General on the application of safeguards in the
Democratic People's Republic of Korea

Nuclear Verification

(d) Implementation of the NPT safeguards agreement and relevant provisions of
Security Council resolutions 1737 (2006), 1747 (2007) and 1803 (2008) in the
Islamic Republic of Iran

Board of Governors

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Record of the 1219th Meeting

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¹ GOV/2008/50.

Attendance

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

Mr SKOKNIC		Chairman (Chile)
Mr GALANXHI	_____	Albania
Ms FEROUKHI		Algeria
Mr CURIA		Argentina
Mr SHANNON		Australia
Mr BÖCK		Austria
Mr BAZOBERRY		Bolivia
Mr VALLIM GUERREIRO		Brazil
Ms GERVAIS-VIDRICAIRE		Canada
Mr LAGOS KOLLER		Chile
Mr TANG Guoqiang		China
Mr HORVATÍĆ		Croatia
Mr STACEY MORENO		Ecuador
Mr KEBEDE		Ethiopia
Ms KAUPPI		Finland
Mr CARON		France
Mr LÜDEKING		Germany
Mr BAAH-DUODU		Ghana
Mr KUMAR		India
Mr ALSHARIA		} Iraq
Mr AQRAWI		
Mr COGAN		Ireland
Mr GHISI		Italy
Mr AMANO		Japan
Mr MAKSIMOVAS		Lithuania
Mr DÍAZ		Mexico
Mr AIT SLIMANE		Morocco
Mr SHAHBAZ		Pakistan
Ms LACANLALE		Philippines
Mr BERDENNIKOV		Russian Federation
Mr AL-TAIFI		Saudi Arabia
Mr GUMBI		South Africa
Mr MARFURT		Switzerland
Mr PANUPONG		Thailand
Mr SMITH		United Kingdom of Great Britain and Northern Ireland
Mr SCHULTE		United States of America
Mr ELBARADEI	_____	Director General
Mr HEINONEN		Deputy Director General, Department of Safeguards
Mr ANING		Secretary of the Board

Representatives of the following Member States also attended the meeting:

Afghanistan, Angola, Azerbaijan, Belarus, Belgium, Cuba, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Greece, Guatemala, Holy See, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Israel, Jordan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Malta, Namibia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Serbia, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, The Former Yugoslav Republic of Macedonia, Turkey, United Arab Emirates, Uruguay, Bolivarian Republic of Venezuela, Yemen, Zimbabwe.

Abbreviations used in this record:

ASEAN	Association of Southeast Asian Nations
Chemical Weapons Convention	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction
CTBT	Comprehensive Nuclear-Test-Ban Treaty
DPRK	Democratic People's Republic of Korea
EU	European Union
LEU	low-enriched uranium
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
R&D	research and development

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

9. Nuclear verification

1. Mr HEINONEN (Deputy Director General for Safeguards), updating members on Agency monitoring activities in the DPRK since the Director General's report in his introductory statement², informed the Board that Agency inspectors had now completed removal of all of the seals and surveillance equipment from the reprocessing plant, as requested by the DPRK. The DPRK had informed the inspectors on site of its plans to introduce nuclear material to the reprocessing plant in one week's time, and that Agency inspectors would no longer be granted access to the plant.

(a) **The conclusion of safeguards agreements and of additional protocols** (GOV/2008/48, 49 and 52)

2. The CHAIRMAN said that the Board had before it a safeguards agreement with the State of Qatar, contained in document GOV/2008/52, and two additional protocols to be concluded with the Kingdom of Lesotho, contained in document GOV/2008/48, and the Republic of Iraq, contained in document GOV/2008/49.

3. Ms GOICOCHEA ESTENOZ (Cuba)*, speaking on behalf of NAM, took note that the State of Qatar had decided to conclude an NPT safeguards agreement. She also took note of the decision of the Kingdom of Lesotho and the Republic of Iraq to conclude additional protocols to their respective safeguards agreements in connection with the NPT.

4. Mr CARON (France), speaking on behalf of the European Union, said that the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, and Serbia, Iceland and Norway, members of the European Economic Area, as well as the Republic of Moldova and Ukraine associated themselves with the statement.

5. The EU welcomed Iraq's decision to conclude an additional protocol to its comprehensive safeguards agreement. It was a symbolic event that brought back memories of 1993 when the Board had first started work on the additional protocol, two years after the discovery of Iraq's clandestine nuclear weapons programme. The Agency had then realized that the application of comprehensive safeguards agreements alone could not provide assurances as to the peaceful nature of a country's nuclear programme or the absence of undeclared nuclear activities. The conclusion by Iraq of an additional protocol showed the country's determination fully to reintegrate itself into the international community.

6. It was also a step towards universalization of the additional protocol, which the EU supported. The additional protocol, in conjunction with a comprehensive safeguards agreement, had become the contemporary standard for nuclear verification. The Agency could only discharge its mandate fully if all Member States concluded an additional protocol.

7. It was also a momentous event for the Middle East. The conclusion of an additional protocol by Iraq would help build confidence in the effectiveness of the nuclear non-proliferation regime, and other countries in the region should follow Iraq's example.

² See GOV/OR.1215 para. 18.

8. Mr SCHULTE (United States of America) welcomed the conclusion by Iraq and Lesotho of additional protocols to their respective safeguards agreements as another step towards achieving universal adherence to the protocol. It was also an important element of Iraq's implementation of relevant Security Council resolutions. His delegation was pleased with Qatar's decision to conclude a comprehensive safeguards agreement under the NPT. Qatar was one of four States in the Middle East that had stated their intent to rely on the existing international market for nuclear fuel services as an alternative to the pursuit of enrichment. That approach was praiseworthy, as it combined the pursuit of nuclear power with steps to build international confidence.

9. Mr GUMBI (South Africa) said that it was regrettable that 30 non-nuclear-weapon States that were party to the NPT had not yet brought a safeguards agreement into force and that, by the end of 2007, only 82 States had both a comprehensive safeguards agreement and an additional protocol in force.

10. All States party to the NPT had undertaken to provide the Agency with all the support and assistance required for it fully to implement its verification mandate. Additional protocols enabled the Agency to provide the necessary assurances that nuclear capabilities were applied for peaceful purposes only, particularly in countries with access to advanced technologies that could be used in the development of nuclear weapons.

11. His delegation welcomed the decision of Lesotho and Iraq to conclude an additional protocol with the Agency, and supported authorizing the Director General to conclude with Qatar, and subsequently implement, a safeguards agreement and protocol thereto.

12. Mr BAAH-DUODU (Ghana) joined others in welcoming the decisions of Iraq, Lesotho and Qatar to conclude additional protocols and a comprehensive safeguards agreement, respectively, under the NPT as that would strengthen the non-proliferation regime further.

13. Mr AQRAWI (Iraq) said that signature of the additional protocol was the third of a series of steps taken by his country in the past year to bring it up to date with regard to international instruments on weapons of mass destruction; Iraq had also signed the Chemical Weapons Convention and the CTBT.

14. Although Iraq no longer had any nuclear programmes, installations or material subject to the safeguards regime, the additional protocol would serve as additional verification of its activities. The conclusion of the protocol was consistent with Iraq's belief in the importance and vitality of the NPT and in the need to enhance transparency and verification systems under not only the NPT but all instruments relating to disarmament and arms control. The time had come to lift the remaining sanctions imposed on Iraq concerning peaceful uses of nuclear energy.

15. The non-proliferation regime would remain fragile if the international community as a whole did not strive to achieve universal adherence to the NPT. Efforts should therefore be stepped up to convince non-parties of the value of the Treaty. Enhancing NPT verification must go hand in hand with practical and serious measures to achieve universal adherence to the Treaty and the safeguards regime and implementation of all the provisions of the NPT, especially Article VI relating to nuclear disarmament, which was its ultimate goal.

16. The CHAIRMAN took it that the Board wished to take the actions recommended in document GOV/2008/52 and authorize the Director General to conclude, and subsequently to implement, a safeguards agreement with the State of Qatar.

17. It was so decided.

18. The CHAIRMAN further took it that the Board wished to take the actions recommended in document GOV/2008/48 and authorize the Director General to conclude, and subsequently to implement, an additional protocol with the Kingdom of Lesotho.

19. It was so decided.

20. The CHAIRMAN, referring to document GOV/2008/49, also took it that the Board wished to take the actions recommended in document GOV/2008/49 and authorize the Director General to conclude, and subsequently to implement, an additional protocol with the Republic of Iraq.

21. It was so decided.

(b) The staff of the Department of Safeguards to be used as Agency inspectors
(GOV/2008/37 and Mod.1 thereto, Note to Governors dated 28 August 2008)

22. The CHAIRMAN said that documents GOV/2008/37 and Mod.1 contained proposals by the Secretariat regarding the staff of the Department of Safeguards to be used as inspectors. The curricula vitae of the staff members in question had been circulated to all Board members by the Secretariat under cover of a letter dated 6 August 2008. An updated summary, by nationality, of the staff of the Department of Safeguards to be used as inspectors had also been circulated by the Secretariat under cover of a Note to Governors dated 28 August 2008.

23. He took it that the Board wished to take the action recommended in document GOV/2008/37 and authorize the Director General to use the professional staff members referred to in paragraphs 1 and 2 of that document, as modified by GOV/2008/37/Mod.1, as Agency inspectors.

24. It was so decided.

(c) Report by the Director General on the application of safeguards in the Democratic People's Republic of Korea
(GOV/2008/40)

25. The CHAIRMAN drew attention to the report contained in document GOV/2008/40 and reports on developments since the fifty-first regular session of the General Conference regarding the application of safeguards in the DPRK, and the implementation of the ad hoc arrangement for monitoring and verification of the shutdown and sealing of the Yongbyon nuclear facility. Moreover, in his introductory statement² the Director General, and also the Deputy Director General for Safeguards at the opening of the agenda item, had brought members up to date regarding the status of the Agency's safeguards activities in the DPRK.

26. Mr TANG Guoqiang (China) informed the Board that, since its previous session in June, there had been constant progress in the six-party talks on the denuclearization of the Korean Peninsula. At a meeting held from 10 to 12 July 2008 in Beijing, the heads of delegations of the six-party talks had decided to establish a verification and monitoring regime and a mechanism guideline had been adopted. A timeframe for completion of the second-phase actions by the end of October 2008 had also been set.

27. On 23 July 2008, the foreign ministers of the six-parties had held an informal meeting in Singapore. Views had been exchanged on the six-party talks process and on some important issues in a candid and positive spirit, which had led to enhanced consensus and deeper understanding. It was in the common interest of all parties and consistent with the general aspirations of the international community to continue to advance the six-party talks process and achieve at an early date all the targets set in the Joint Statement of 19 September 2005.

28. The six-party talks now had an opportunity to make further progress and overcome certain difficulties. All parties must increase their mutual trust, understanding and accommodation, demonstrate flexibility and readiness to compromise, and work together towards implementation of the second-phase actions in a timely, comprehensive and balanced manner, thus taking the six-party process to a new level.

29. China had consistently advocated a peaceful solution to the Korean Peninsula nuclear issue, achievement of the denuclearization of the Peninsula and the maintenance of peace and stability in the region. The six-party talks process continued to mature and had become an effective mechanism to resolve the issue through dialogue. It was also an important platform for new forms of dialogue and consultation in North-East Asia. As chair of the six-party talks, China wished to continue, together with all parties and the international community, to play a constructive role in achieving denuclearization of the Korean Peninsula and lasting peace in North-East Asia. He hoped that the Board's consideration of the issue would be conducive to moving the six-party talks process forward.

30. Mr CARON (France) speaking on behalf of the European Union, said that the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, and Serbia, Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as the Republic of Moldova and Ukraine associated themselves with the statement.

31. The denuclearization of the Korean Peninsula was a major challenge for international and regional security. The EU was concerned about the DPRK's possession of weapons grade fissile material and that country's violation of its nuclear and ballistic non-proliferation obligations. The EU supported the diplomatic efforts made in the framework of the six-party talks towards the irreversible, verifiable and complete neutralization and dismantlement of the DPRK's nuclear installations and nuclear weapons. The EU recalled that the DPRK had undertaken a commitment to that effect in the Joint Statement of 19 September 2005.

32. The DPRK must fulfil its obligations under Security Council resolutions 1695 (2006) and 1718 (2006) and the NPT, especially with regard to the implementation of its comprehensive safeguards agreement with the Agency. It must cooperate without delay with the Agency towards the effective and full implementation of its safeguards agreement and resolve all issues ensuing from the long period of the absence of verification. The EU remained seriously concerned about the DPRK's proliferation activities and reminded the DPRK of its obligations pursuant to the relevant Security Council resolutions not to export sensitive technologies.

33. It was encouraging that the Agency had been able to monitor the shutdown of the DPRK installations, particularly at Yongbyon. The EU had taken note of the neutralization activities carried out at the three main nuclear installations located at Yongbyon, although the Agency had not been invited to participate. It was concerned, however, that those measures could be reversed quickly. The DPRK's decision to suspend the neutralization activities at the 5 MW(e) reactor and the fuel reprocessing plant and to remove Agency seals and surveillance equipment was cause for grave concern. The EU called on the DPRK not to resume its reprocessing activities and to proceed with the early discharge of fuel from the Yongbyon reactor.

34. The provision by the DPRK on 26 June 2008 of a declaration on its plutonium production activities was an important, but inadequate, step. The country must provide a complete and correct declaration on all its nuclear activities and programmes and agree to a verification process that was credible to the international community. The EU emphasized the Agency's role in that process and urged the participants in the six-party talks to facilitate greater Agency involvement.

35. The Agency must have the resources it needed to fulfil its mandate in the DPRK. In that context, he recalled that the EU had contributed €1.8 million for Agency verification activities in that country.

36. Ms GOICOCHEA ESTENOZ (Cuba)*, speaking on behalf of NAM, said that the Movement's position on the issue of nuclear verification in the DPRK was reflected in the final document of the 15th Ministerial Meeting of the Non-Aligned Movement held in Tehran from 27 to 30 July 2008:

“Acknowledging the importance of guaranteeing a durable peace and security in the Korean peninsula for the sake of the common prosperity of the Korean people as well as the peace and security of North-east Asia and the rest of the world, the Ministers expressed their support towards efforts to reunify the Korean peninsula through the genuine aspirations and concerted efforts of the Korean peoples themselves in a way as is stated in the North-South Joint Declaration of 15 June 2000, and the Declaration for Development of North-South Relations and Peace and Prosperity of 4 October 2007, issued respectively in Pyongyang, as well as all other previous North-South joint Statements and Agreements.

“Noting the importance of the Six-Party Talks in achieving a comprehensive resolution to the nuclear issue, the Ministers further expressed their support for the Joint Statement of Principles of 19 September 2005 and subsequent agreements at the Talks, and stressed their expeditious and faithful implementation.”

37. NAM took note with satisfaction that the Agency had continued to verify the shutdown status of the Yongbyon and Taechon nuclear facilities and was continuing to implement the ad hoc monitoring and verification arrangement with the cooperation of the DPRK.

38. Mr AMANO (Japan) expressed appreciation for the Agency's continuing monitoring and verification of the shutdown of the Yongbyon nuclear facilities and its contribution to the implementation of the six-party talks agreements.

39. Although the DPRK had submitted the declaration on its nuclear programme in June 2008, Japan was concerned that it had not agreed to a concrete framework of verification, had suspended the disablement activities in Yongbyon and, furthermore, had asked Agency inspectors to remove seals and surveillance equipment to enable them to carry out tests at the reprocessing plant. The DPRK should resume and work to complete the disablement of the Yongbyon nuclear facilities by the end of October 2008, as agreed. It should also agree promptly on a concrete framework of verification.

40. Further work at the six-party talks was needed to implement all the second-phase actions and achieve the abandonment of all nuclear weapons and existing nuclear programmes, as agreed in the September 2005 Joint Statement. Japan would continue to work together with other partners at the six-party talks towards that goal.

41. The DPRK must comply fully with Security Council resolution 1718 (2006) and act in strict accordance with its obligations under the NPT and its safeguards agreement with the Agency.

42. Furthermore, the DPRK should provide the Agency with transparency measures, including access to individuals, documentation, equipment and facilities, as required and deemed necessary by the Agency.

43. Japan expected the Agency to play an essential role in the process of nuclear abandonment by the DPRK, including the ongoing monitoring and verification of the Yongbyon nuclear facilities, and possibly a role with regard to declaration. Japan would continue to lend its support.

44. Mr SCHULTE (United States of America) commended the Agency for its continuing work to monitor and verify the shutdown of the Yongbyon facilities and said his country was glad to have been able to provide \$1.5 million for the Agency's monitoring and verification activities in the DPRK on 20 June 2008. Moves by the DPRK to halt and reverse disablement and to remove Agency seals and cameras from the reprocessing facility were unsettling. The United States viewed the present period as one in which it was especially important to work closely with all its partners in the six-party process in order to determine the best way forward.

45. On 26 June 2008, the DPRK had submitted a declaration on its nuclear programmes to the Government of China. It had included information about its plutonium programme, which had produced fissile material for its nuclear weapons, and had noted concerns on the part of the United States regarding its uranium enrichment and proliferation activities. That declaration had been a significant step towards the goal of the denuclearization of the Korean Peninsula. The declaration was being assessed in order to determine its completeness and correctness, and a comprehensive verification process would be necessary in order to resolve any discrepancies and to arrive at a final complete and correct declaration.

46. Negotiations continued for a strong verification regime. With regard to proliferation, the United States had made its concerns regarding the DPRK's nuclear cooperation with the Syrian Arab Republic known to the DPRK in a frank and comprehensive way. The DPRK had acknowledged those concerns and agreed to cooperate on verification activities in line with its past commitments on non-proliferation.

47. United States experts had been on the ground at Yongbyon continuously since November 2007, monitoring the status of disablement activities and working alongside the Agency personnel who had been monitoring the shutdown of the facilities since July 2007. The DPRK had halted disablement work in August 2008, at which time 8 out of 11 agreed disablement actions at the three core facilities had been completed, including the removal of more than 4700 — or about 60% — of the fuel rods from the 5 MW(e) reactor. In addition, the DPRK had destroyed the cooling tower at the Yongbyon facility on 27 June 2008. On 2 September 2008, the DPRK had notified United States experts in Yongbyon that it would begin the process of reversing disablement.

48. More recently, as the Director General had reported in his introductory statement², the DPRK had requested that the Secretariat begin removing Agency seals at the reprocessing plant. United States experts, as well as Agency personnel, had been observing and documenting the DPRK's measured but continuous actions to reverse disablement. They reported that the disabled facilities were being reconstituted but had not resumed operations. The United States was working in close consultation with its six-party partners in order to determine the best way forward.

49. On 26 June 2008, China, as Chair of the six-party talks, had issued a statement, which read: "The parties agreed that the declaration will be subject to verification and there is agreement within the parties on a set of principles to guide the establishment of a verification regime." The United States believed that a comprehensive verification regime should include, among other activities: access to all nuclear related facilities; the taking and removal of environmental and material samples; the deployment of verification equipment to and from those facilities; the copying and removal of documents; and interviews with DPRK personnel. Comprehensive verification was an important step to ensure the peaceful denuclearization of the Korean Peninsula. The United States and the other parties had made clear to the DPRK that the verification protocol must be consistent with international standards and norms regarding verification. To that end, the United States desired that the Agency play an important role at all stages of the DPRK's denuclearization and return to the NPT and Agency safeguards, including involvement in the verification of the DPRK's declaration and in future dismantlement activities. In the Joint Statement of September 2005, the DPRK had pledged to return,

at an early date, to the NPT and to Agency safeguards. The DPRK's verifiable denuclearization and fulfilment of all its other commitments relating to the Joint Statement would make possible the realization of the full range of benefits envisioned in the Joint Statement, including economic and energy cooperation, security provisions and normalization of its relations with the United States and Japan.

50. While important progress had been made towards the full implementation of the Joint Statement of September 2005, the DPRK's recent statements and actions showed that much remained ahead on the road to verifiable denuclearization of the Korean Peninsula. The United States reiterated that Security Council resolution 1718 (2006) remained in effect. All Member States should continue to abide by the requirements of that Chapter VII resolution. The role of the Agency and full DPRK cooperation with the Agency would be important throughout that process. The United States had worked closely with the Agency to ensure that their efforts were in harmony throughout the process of denuclearizing the Korean Peninsula. The United States expected to continue that close collaboration as efforts were made towards the DPRK's verifiable abandonment of all nuclear weapons and existing nuclear programmes.

51. Mr BERDENNIKOV (Russian Federation) commended the work of the Secretariat in its monitoring and verification of a number of DPRK nuclear facilities. It was important for that work to be continued in cooperation with the DPRK. He noted from the report that some progress had been made in the disablement activities referred to in the agreements concluded in the six-party process; it was regrettable, however, that that process was currently suspended. His delegation underlined the Agency's role as the sole international organization possessing the necessary expertise to verify nuclear activities on the Korean Peninsula.

52. The Russian Federation reaffirmed its support for the efforts undertaken within the framework of the six-party process in accordance with the Joint Statement of 19 September 2005 and the agreement of 13 February 2007. The Russian Federation was grateful to the Chinese chairmanship for its constructive role in the achievement of progress in the talks. It noted that the recent decisions of the DPRK to halt disablement of the Yongbyon nuclear facilities and to consider measures to restore them to their original status, as well as the removal of Agency seals and the barring of access to Agency inspectors could not fail to be a cause of concern. In the Russian Federation's view that did not contribute to the achievement of progress in the talks or to the steps taken in line with the "action for action" principle and in the context of implementing agreed measures for the second phase.

53. The Russian Federation appealed to the DPRK to continue disablement of the nuclear facilities in Yongbyon and to complete it by the end of October 2008. It also appealed to the other parties to the talks to implement their commitments as agreed at the meeting of heads of delegation to the six-party talks on 12 July 2008.

54. Ms GERVAIS-VIDRICAIRE (Canada) welcomed the initial actions agreed in February 2007 to implement the September 2005 Joint Statement, including the shutdown and sealing of the Yongbyon nuclear facilities, and the return of Agency personnel for monitoring and verification activities. Canada had also welcomed the agreement of October 2007 on the activities for the second phase and the measures taken to implement that agreement, including the disablement of the Yongbyon facilities. However, Canada was concerned by the recent halting of that shutdown process, and by measures that had been taken which appeared to be a step backwards. Canada's concerns had grown when it had learned in the past few days that the DPRK authorities had asked that the Agency's inspectors remove seals and surveillance equipment to enable them to carry out tests at the reprocessing plant. Canada urged the DPRK to resume and complete its disablement work in accordance with its commitments in the Joint Statement.

55. Canada hoped that all the commitments made in the Joint Statement of 19 September 2005 would be respected, along with all the requirements contained in Security Council resolution 1718 (2006).

56. Canada continued to take stock of the progress made by the DPRK with reference to respecting its commitments while giving consideration to the scope and nature of its relations with that country.

57. Mr PANUPONG (Thailand), speaking also on behalf of the ASEAN delegations attending the Board session, namely Indonesia, Malaysia, the Philippines, Singapore and Vietnam, set out ASEAN's position on the DPRK nuclear issue. Quoting from the Chairman's statement made at the 15th ASEAN Regional Forum meeting, held in Singapore on 24 July 2008, he said that the ministers had welcomed the convening of the informal meeting of the Foreign Ministers of the six-party talks on the sidelines of the Regional Forum. They had reiterated their support for the six-party talks leading towards the verifiable denuclearization of the Korean Peninsula and to the eventual normalization of relations between the six parties through full implementation of the Joint Statement of 19 September 2005. They had welcomed the submission of the declaration by the DPRK of its nuclear programmes and had emphasized the importance of the early establishment of an effective verification and monitoring mechanism.

58. He emphasized the essential verification role in that regard of the Agency, and reiterated ASEAN's support for all diplomatic, non-confrontational efforts aimed at achieving the verifiable denuclearization of the Korean Peninsula through the six-party process. He also supported the eventual normalization of relations between the six-party members, and continued to hope that the Joint Statement would be fully implemented. To that end, he said that the ASEAN delegations were determined to work with member states of the ASEAN Regional Forum, including the DPRK, with a view to ensuring long-term peace and stability in the Korean peninsula and to strengthening the non-proliferation regime in the Asia-Pacific region as a whole.

59. Mr SHANNON (Australia), expressing support for the Secretariat's professional efforts to implement safeguards in the DPRK, said that Australia saw a vital role for the Agency in the denuclearization of the DPRK and its return to compliance with the NPT and with its obligations under its comprehensive safeguards agreement. Australia appreciated the good work the Agency had done in monitoring and verifying the shutdown of the Yongbyon facility and supported strong Agency involvement in the next steps in the six-party talks process, including verifying the completeness and correctness of the DPRK's declaration of its nuclear programmes. Australia welcomed that declaration, as well as the progress made on disablement of the Yongbyon nuclear facilities, both of which were important parts of the DPRK's commitments in the 3 October 2007 agreement.

60. However, Australia was disappointed that the DPRK had not yet consented to a mechanism for verifying denuclearization, as it had agreed it would at the six-party talks on 10-12 July 2008. Australia was also very concerned by the DPRK's suspension of disablement of its Yongbyon facilities and its announcement that it would consider restoring them to their original state. Australia's concerns were further deepened by the advice that the Agency's seals at the Yongbyon radiochemical laboratory had been removed, that Agency inspectors would have no further access to the site, and that the DPRK intended to reintroduce nuclear material in one week. Those actions were inconsistent with the commitment made by the DPRK at the six-party talks in July 2008 that disablement would be completed by the end of October 2008.

61. Australia called upon the DPRK to reverse that decision and work with its six-party talks partners to implement agreed actions. The DPRK needed to complete disablement at Yongbyon and agree to a verification mechanism. It must also abide by its obligations under Security Council resolutions 1695 (2006) and 1718 (2006). Full implementation of its six-party talks commitments

offered the DPRK its best opportunity to rejoin the international community. In addition to the benefits on offer through the six-party process, many countries, including Australia, had indicated that they were ready to support substantial progress towards denuclearization. The DPRK needed now to move forward on the progress it had already made by recommencing disablement at Yongbyon and agreeing to a mechanism to verify denuclearization.

62. Mr MARFURT (Switzerland), referring to the report by the Director General contained in document GOV/2008/40, noted that the Agency had been monitoring and verifying the shutdown status of the Yongbyon nuclear facility, which had since been halted, and also that the Agency had been informed of the DPRK's decision to suspend disabling activities at the 5 MW(e) reactor. The report recalled that until the DPRK's legal status vis-à-vis the NPT had been clarified, the Agency's safeguards responsibilities towards that country remained uncertain, and that it was important that the Agency receive guidance on that aspect at the earliest opportunity.

63. The positive developments that had occurred since November 2007 had been called into question by the DPRK's announcement in August 2008 of its decision to suspend disabling activities and even to relaunch certain programmes. The DPRK had also requested the Agency to remove seals and surveillance equipment from a number of facilities. Such developments ran counter to the DPRK's commitment to dismantle all its nuclear facilities.

64. Consequently, Switzerland renewed its appeal to the DPRK to return to the NPT in order to put an end to the ambiguity surrounding its legal status vis-à-vis that Treaty and to enable the Agency to be active in the discharge of its entire mandate. That would strengthen the credibility of the non-proliferation regime and provide assurance that the denuclearization process on the Korean Peninsula would be conducted according to international standards of safety and verification.

65. Mr GUMBI (South Africa), expressing appreciation for the continued monitoring and verification measures of the Agency as agreed upon with the DPRK, encouraged all the parties involved to continue implementation of the second-phase actions. South Africa welcomed progress made through the DPRK's declaration of its nuclear activities and urged all delegations to fulfil their step-by-step commitments towards the complete and verifiable denuclearization of the Korean Peninsula.

66. South Africa was concerned about the announcement made by the DPRK in August 2008 that it had suspended the disablement of its Yongbyon nuclear facilities and was considering restoring them to their original state. South Africa urged that none of the parties involved should act in a manner that might result in any actions that could undermine the disarmament, peace and security process on the Korean Peninsula.

67. Mr KIM Sung-Hwan (Republic of Korea)* noted the submission by the DPRK of a declaration of its nuclear programmes, the consensus reached in the six-party talks in July 2008 on the full and balanced implementation of second-phase actions and the agreement to establish a verification mechanism and a monitoring mechanism within the six-party talks framework.

68. Despite some positive developments, his delegation regretted, and noted with serious concern, that the DPRK had decided to suspend the disablement activities and take steps to restore the disabled Yongbyon nuclear facilities. It was particularly disturbing that, at the request of the DPRK, the Agency's seals and surveillance equipment at the reprocessing plant had been removed and that the DPRK had informed the Agency's inspectors not only of its intention to reintroduce nuclear material into the reprocessing plant in one week's time but also that they would have no access to it. His delegation called on the DPRK to refrain from further such actions and immediately to resume disablement activities as agreed in the six-party talks, taking into consideration that those actions would have a serious impact on the prospects of the six-party talks process. In that regard, his

delegation believed that the Agency should continue its monitoring and verification role at the DPRK nuclear facilities.

69. He reiterated that the six-party process remained the most effective forum for resolving the DPRK nuclear issue. The Republic of Korea was of the view that continued implementation of the commitments of all the participating parties and the timely completion of the second-phase actions, including the adoption of a verification protocol, were crucial to moving the six-party process forward.

70. The Republic of Korea would continue to work closely with the Agency and all parties concerned with a view to resolving the DPRK nuclear issue expeditiously and in a peaceful manner and to bringing the DPRK into full compliance with its comprehensive safeguards obligations. His delegation supported the Agency's essential verification role in the DPRK nuclear issue, and looked forward to the continued support and valuable contribution of the Agency in the DPRK denuclearization process.

71. The CHAIRMAN, summing up the discussion, said that the Board had taken note with appreciation of the Director General's report contained in document GOV/2008/40, as well as additional information provided by the Secretariat. It had recalled the September 2005 Joint Statement of the fourth round of the six-party talks, contained in document GOV/INF/2007/14, in which, inter alia, the DPRK had expressed its commitment to abandoning all nuclear weapons and existing nuclear programmes and returning, at an early date, to the NPT and to the Agency's safeguards. The Board had also recalled the agreement on the initial actions for the implementation of the six-party Joint Statement, contained in document GOV/INF/2007/6, which had been reached at the third session of the fifth round of six-party talks held in Beijing on 13 February 2007 and in which the DPRK, inter alia, had agreed to shut down and seal for the purpose of eventual abandonment the Yongbyon nuclear facility, including the reprocessing facility and invite back Agency personnel to conduct all necessary monitoring and verification as agreed between the Agency and the DPRK.

72. The Board had noted the steps taken by the States concerned to proceed with the implementation of the initial actions and had welcomed in that regard the shutdown of the relevant nuclear facilities by the DPRK and the work on the disablement of some of the Yongbyon nuclear facilities. Several members had underlined the importance of swift and full implementation of the commitments contained in the Joint Statement leading to the full disablement and dismantlement of the nuclear weapons programme of the DPRK, including the DPRK's provision of a complete and correct declaration of all its nuclear programmes.

73. Several members had called on the DPRK to comply with all relevant United Nations Security Council resolutions and with its obligations under the NPT, including the implementation of its comprehensive safeguards agreement.

74. The Board had recalled the ad hoc monitoring and verification arrangement agreed in June 2007 between the Agency and the DPRK and had welcomed the fact that the Agency had verified and confirmed the shutdown status of the five installations at the Yongbyon nuclear facility and had continued to implement the ad hoc monitoring and verification arrangement. The Board had emphasized the indispensable role of the Agency in verifying future steps in the process, including verifying the correctness and completeness of the DPRK's declarations concerning its nuclear programmes. Some members had called for an increased involvement of the Agency in the disablement and dismantlement activities in the DPRK.

75. Several members had expressed their concern with regard to the DPRK's recent announcement of its suspension of its disablement activities. They had noted with concern the Director General's statement to the Board that some equipment previously removed by the DPRK during the disablement process had been brought back, and that the DPRK had requested the Agency to remove seals and

surveillance equipment to enable the DPRK to carry out tests at the reprocessing plant which would also include nuclear material. They had noted with concern the DPRK's denial of access to Agency inspectors at the reprocessing plant. They had urged the DPRK to refrain from such actions, to resume its disablement activities and to provide the necessary access to Agency inspectors without delay.

76. With regard to the financing of the Agency's monitoring and verification activities in the DPRK, the Board had noted that additional funds had been pledged by the EU, Japan and the United States of America that would allow the Agency to carry out its monitoring and verification activities until mid-2009.

77. The Board had expressed the view that a successfully negotiated settlement of the long-standing issue, maintaining the essential verification and monitoring role of the Agency in all stages of the process, would be important for international peace and security.

78. The Board had emphasized the importance of continued dialogue to achieving a peaceful and comprehensive resolution of the DPRK nuclear issue and early denuclearization of the Korean Peninsula. Support had been expressed for the common goal and political will of the parties to the six-party talks and the constructive role of the Agency in that regard.

79. The Board had also emphasized the importance of promoting mutual trust and accommodation among the parties to the six-party talks and to create an atmosphere conducive to the common efforts towards achieving further progress on the denuclearization of the Korean Peninsula.

80. The Board had expressed its appreciation for the role of China in the process and as Chairman of the six-party talks.

81. The Board had requested the Director General to keep it informed as appropriate.

82. He took it that his summing-up of the discussion was acceptable to the Board.

83. It was so decided.

(d) Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007) and 1803 (2008) in the Islamic Republic of Iran
(GOV/2008/38)

84. The CHAIRMAN drew the Board's attention to document GOV/2008/38, a report by the Director General on developments since the June 2008 Board regarding the Islamic Republic of Iran. The report had also been the subject of a technical briefing provided by the Secretariat to Member States on 16 September 2008.

85. Mr CARON (France), speaking on behalf of the European Union, the candidate countries Croatia and the Former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro, and Serbia, Iceland and Liechtenstein, members of the European Economic Area, as well as the Republic of Moldova and Ukraine, thanked the Director General for his factual, technical and unambiguous report contained in document GOV/2008/38. The report described the gravity of the current situation and contained a warning for the future. He also thanked Deputy Director General Heinonen and his team for their impartial and professional work. The EU encouraged them to continue working with their characteristic tenacity and serenity.

86. The EU noted that the serious concerns expressed by the Director General in May 2008 regarding possible military dimensions of the Iranian programme had not gone away; on the contrary, underpinned by a growing amount of documentation from various sources, they remained unanswered.

Moreover, Iran continued to develop its uranium enrichment programme in violation of Security Council and Board of Governors resolutions. It was accumulating LEU under the very eyes of the Agency's inspectors and the international community, for which there was no civil justification.

87. That was alarming not only because it brought closer a time when Iran might possess the fissile matter needed for a weapon, if it decided to scale up the enrichment process, but also because it heightened rather than allayed the Agency's suspicions regarding the aims of the Iranian nuclear programme. Furthermore, the international body responsible for combating nuclear proliferation on behalf of the international community was having its authority flouted by Iran while the instruments — the modified Code 3.1, the additional protocol, transparency and cooperation with the Agency — were being slowly undermined.

88. Action had to be taken and the Board's primary responsibility was to speak with clarity and in unison. It should not allow itself to be gradually lulled into a false sense of security. Nor could it claim, following the latest report and that presented in May 2008, that it was unaware of the Iranian nuclear programme. The EU had stated unequivocally that the acquisition of a military nuclear capacity by Iran was unacceptable.

89. The EU deplored the fact that Iran had installed new centrifuge cascades at its underground facility in Natanz and that it had continued to develop new generations of machines. The same went for its continued construction of a heavy water reactor at Arak and operation of its heavy water production plant. Iran had thereby confirmed that it was refusing to suspend its enrichment programme as required of it. The EU regretted the fact that Iran had yet to accept the "freeze-for-freeze" proposal made in July 2008 by the EU's High Representative Mr Solana, which remained on the table. Under the proposal, for six weeks Iran would refrain from increasing the number of its centrifuges — although existing centrifuges could continue to enrich uranium — while no new sanctions would be adopted at the Security Council.

90. The EU also deplored the fact that Iran had failed to implement the transparency measures requested by the Director General and the Board of Governors. Those measures — the additional protocol and supplementary elements — were vital for the Agency to be able to verify the absence of undeclared activities. In those conditions, the lack of progress on understanding the nature of the Iranian programme could not be attributed to the complexity or sensitivity of the undertaking but to the refusal of the Iranian authorities to allow access to the individuals, sites and documents requested.

91. The EU further deplored Iran's refusal to implement the modified Code 3.1 of the Subsidiary Arrangements to its safeguards agreement. According to the Director General's report, the Agency had requested in December 2007, but had not yet received, information about the reactor to be built in Darkhovin. The Secretariat had stated in no uncertain terms that the modified Code 3.1 remained in effect and could not be unilaterally suspended. He asked the Secretariat whether that was a deliberate violation by Iran of its obligations under its Subsidiary Arrangements. For the EU such a situation was unacceptable and called into question the Agency's ability to carry out its mission not only in Iran but also in any Member State that decided no longer to implement a given provision of its safeguards agreement or Subsidiary Arrangements thereto, as it saw fit.

92. The EU was also concerned at the restrictions imposed by Iran on the designation of inspectors, which hampered the Agency's work.

93. Turning to the so-called possible military dimensions, namely information corroborated by the Secretariat obtained from various sources and through the Secretariat's own research, he said that the information was consistent and suggested that Iran had been methodically working on a programme aimed at acquiring a nuclear weapon, something that remained to be verified. Iran had, after all, acknowledged that some of the information was factually accurate and that the individuals, sites and

companies mentioned did exist. Moreover, research and development work had been carried out but, according to Iran, despite appearances, it had not been aimed at the production of nuclear weapons.

94. That information had been conveyed to the Iranian authorities and processed in accordance with the Agency's own tried and tested methods, the fruit of its considerable experience in other countries, including Iraq, the Libyan Arab Jamahiriya and the DPRK. The Iranian authorities had had ample opportunities to see those documents in Iran. As the Director General had stated in successive reports, that information should be taken seriously. Yet the methodology was being contested by Iran. Moreover, Iran was even contesting the Agency's very mandate, while calling for the nuclear issue to be taken out of the Security Council's remit and transmitted to the Agency.

95. He stressed the fact that the Security Council had asked the Agency to continue with its inquiry and underlined the importance for Iran to provide answers to all the Agency's questions so that the Agency could assess the completeness and correctness of the Iranian declaration. The Security Council had, moreover, expressed its grave concern at the existence of a possible military dimension to the Iranian nuclear programme. It had expressed its determination to strengthen the Agency's authority and underscored the need for the Agency to continue to clarify all outstanding issues. Iran could not contest the authority of the Security Council or the Agency, the tools available to the international community in order to reach peaceful settlements of proliferation crises and security threats. The EU was determined to maintain those tools, above all the Agency, out of the reach of Iranian pressure and contestation.

96. On that score, the EU called on Iran to comply without delay with Security Council resolutions 1696, 1737, 1747 and 1803, and all relevant Board of Governors resolutions. In that context, it reiterated its full support for the work of the Security Council on the adoption of additional measures pursuant to Article 41 of Chapter VII of the United Nations Charter.

97. The Director General's report showed Iran the way to proceed, in the form of specific measures. Examples had been given: Iran was to identify the information regarding the alleged studies which it considered to be factually correct; in connection with the green salt project and Kimia Maadan, it should authorize access to the individuals and documents requested; it should authorize access to persons working on the exploding bridgewire (EBW) detonators; it should respond to the Agency's questions on experiments in connection with initiation of a hemispherical charge suitable for a nuclear device; it should specify the circumstances in which it had acquired a document on the manufacture of a uranium metal sphere that could be used for the production of a weapon; and it should authorize access to certain civilian production workshops.

98. The EU sought a diplomatic solution to the Iranian nuclear crisis. Together with its American, Chinese and Russian partners, it had supported several generous offers that remained on the table. They included support for a modern, non-proliferating nuclear programme. That diplomatic solution would not dispense with the need for resolution of all the questions asked by the Agency. The suspension of sensitive activities requested by the Security Council and the Board of Governors was necessary to rebuild confidence in the exclusively peaceful nature of the Iranian nuclear programme. The EU was convinced that the Islamic Republic of Iran had nothing to gain by delaying the time when it would agree to the Agency's requests, in terms of cooperation, transparency and access. On the contrary, its current behaviour only delayed the day when it would return to the fold of Member States like any other, as it demanded, where inspections could be carried out in a routine manner.

99. Ms GOICOHEA ESTENOZ (Cuba)*, speaking on behalf of NAM, thanked the Director General and the Secretariat for the report contained in document GOV/2008/38, and expressed appreciation for the technical briefing on the issue provided by the Secretariat.

100. She informed the Board that, at the Ministerial Meeting of the NAM, held in Tehran, on 27-30 July 2008, the Ministers had adopted the following statement updating the Movement's position on the Islamic Republic of Iran nuclear issue:

"1. The Ministers reiterated their principled positions on nuclear disarmament and non-proliferation reflected in the Final Document of the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement, held in Putrajaya, Malaysia, 27-30 May 2006 and the 14th Summit Conference of Heads of State or Government of the Non-Aligned Movement held in Havana, Cuba, 11-16 September 2006. The Ministers also reiterated the Movement's principled position on the Islamic Republic of Iran's nuclear issue as reflected in the NAM Ministerial Statement adopted in Putrajaya on 30 May 2006 and NAM Heads of State or Government Statement adopted in Havana on 16 September 2006. They considered the positive developments in the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran as reflected in the reports of the Director General of the International Atomic Energy Agency (IAEA).

"2. The Ministers reaffirmed the basic and inalienable right of all states to develop research, production and use of atomic energy for peaceful purposes, without any discrimination and in conformity with their respective legal obligations. Therefore, nothing should be interpreted in a way as inhibiting or restricting the right of states to develop atomic energy for peaceful purposes. They furthermore reaffirmed that States' choices and decisions, including those of the Islamic Republic of Iran, in the field of peaceful uses of nuclear technology and its fuel cycle policies must be respected.

"3. The Ministers recognized the IAEA as the sole competent authority for verification of the respective safeguards obligations of Member States and stressed that there should be no undue pressure or interference in the Agency's activities, especially its verification process, which would jeopardize the efficiency and credibility of the Agency.

"4. The Ministers welcomed the continuing cooperation being extended by the Islamic Republic of Iran to the IAEA including those voluntary CBMs undertaken with a view to resolving all remaining issues, including those as reflected in the latest report of the Director General of the IAEA on 26 May 2008. They welcomed the fact that the IAEA had been able to verify the non-diversion of declared nuclear material in Iran as reflected in the Agency's reports since November 2003 and further noted the assessment of the IAEA Director General in Safeguard Implementation Report (SIR) 2006 that all nuclear material declared by Iran had been accounted for and remains in peaceful activities. They noted at the same time, that the process for drawing a conclusion with regard to the absence of undeclared material and activities in Iran is an ongoing and time consuming process. In this regard, the Ministers further welcomed the modality agreement reached between the Islamic Republic of Iran and the IAEA on 21 August 2007 leading to the resolution of the six outstanding issues as a significant step forward towards promoting confidence and a peaceful resolution of the issue. The Ministers took note of the Document INFCIRC/711 in which the Agency and Iran agreed that after the implementation of the Work Plan and the agreed modalities for resolving the outstanding issues, the implementation of safeguards in Iran will be conducted in a routine manner.

"5. The Ministers emphasized the fundamental distinction between the legal obligations of states to their respective safeguards agreements and any confidence building measures voluntarily undertaken to resolve difficult issues, and believed that such voluntary undertakings are not legal safeguards obligations.

“6. The Ministers considered the establishment of nuclear-weapons-free-zones (NWFZs) as a positive step towards attaining the objective of global nuclear disarmament and reiterated the support for the establishment in the Middle East of a nuclear weapons free zone in accordance with relevant General Assembly and Security Council resolutions. Pending the establishment of such a zone, they demanded Israel to accede unconditionally to the NPT without delay and place promptly all its nuclear facilities under comprehensive IAEA safeguards in accordance with Security Council resolution 487 (1981).

“7. The Ministers reaffirmed the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — operational or under construction — poses a great danger to human beings and the environment, and constitutes a grave violation of international law, principles and purposes of the Charter of the United Nations and regulations of the IAEA. They recognized the need for a comprehensive multilaterally negotiated instrument prohibiting attacks, or the threat of attacks, on nuclear facilities devoted to peaceful uses of nuclear energy.

“8. The Ministers strongly believed that all safeguards and verification issues, including those of Iran, should be resolved within the IAEA framework, and be based on technical and legal grounds. They further emphasized that the Agency should continue its work to resolve the Iranian nuclear issue within its mandate under the Statute of the IAEA.

“9. The Ministers stressed that diplomacy and dialogue through peaceful means must continue to find a comprehensive and long term solution to the Iranian nuclear issue. They expressed their conviction that the only way to resolve the issue is to pursue substantive negotiations without any preconditions among all relevant parties. In this regard, the Ministers welcomed Iran’s willingness to commence negotiations on various regional and global issues, including nuclear issues with NAM Member States, particularly those of the region. The Ministers further welcomed the talks between Iran and the six countries held in Geneva in July 2008.”

101. Mr CURIA (Argentina) thanked the Director General for the report contained in document GOV/2008/38 and also Deputy Director General Heinonen for the informative briefing held on 16 September 2008. He reiterated his country’s recognition of the Agency’s work on the nuclear issue concerning the Islamic Republic of Iran, in particular the professionalism and impartiality of the Director General and the Secretariat.

102. Argentina agreed with the Director General’s overall assessment in his report and shared his serious concern at the lack of substantive progress with regard to the alleged studies and other outstanding issues. It was essential that Iran cooperate actively in providing complete information about its nuclear programme.

103. Iran needed to clarify the situation so that the nature of its past and current nuclear programme could be evaluated. It should, therefore, allow the Agency access to substantive information to support its claims, along with the relevant documentation and individuals.

104. In the light of the lack of confidence that had arisen, he called on Iran to comply with the Security Council resolutions, bearing in mind that, in violation of those resolutions, it had not suspended its enrichment related activities. Instead, it had continued to operate the Pilot Fuel Enrichment Plant (PFEP) and the Fuel Enrichment Plant (FEP), had installed new cascades and had been using new-generation centrifuges for testing purposes. It had also proceeded with the construction of the IR-40 research reactor.

105. He urged Iran to take all the necessary steps to build confidence in the peaceful nature of its nuclear programme, including application of the additional protocol. The Agency would then be able

to make progress towards providing credible assurances regarding the absence of undeclared nuclear materials and activities in Iran.

106. Mr PANUPONG (Thailand) reaffirmed the Agency's role as the sole authority for verification of the respective safeguards obligations of Member States and expressed his country's full confidence in the integrity, impartiality and professionalism of the Director General and the Secretariat in continuing that important work.

107. Thailand noted with satisfaction that Iran and the Agency had resolved all six outstanding issues as reflected in the work plan, that the Agency had been able to verify the non-diversion of declared nuclear material in Iran, and that Iran had provided access and accounting reports related to the declared nuclear material and activities. That was a significant step towards promoting confidence and a peaceful resolution of the issue. However, his delegation also recognized the Agency's professional opinion that the alleged studies concerning the green salt project, high explosives testing and the missile re-entry vehicle project entailed possible military dimensions and remained of serious concern. It was pleasing to note that the Agency had not detected the use of nuclear material in connection with the alleged studies, nor did it have information on the design or manufacture by Iran of the nuclear material components of a nuclear weapon.

108. Thailand appreciated the gesture of goodwill that Iran had made in cooperating with the Agency with a view to answering pertinent questions but noted that the Agency had not been able to make substantive progress in that regard. He therefore encouraged Iran to engage in an even more active course of cooperation. A meaningful dialogue between the Agency and Iran had to be reciprocal. The Director General was right to call upon those Member States that had provided the Agency with documentation related to the alleged studies to authorize the Agency to share it with Iran. At the same time, Iran should clarify those elements of the documentation that it considered to be factually correct and specify those aspects that it considered to have been fabricated. Iran should view that as a transparency measure, rather than a punitive one. He emphasized that the goal of the exercise was to restore the international community's confidence in the peaceful nature of Iran's past and current nuclear activities.

109. The inalienable right of Iran, or any other State party to the NPT, to develop nuclear energy for peaceful purposes must be fully respected. But that had to be pursued in accordance with obligations under the NPT, the comprehensive safeguards agreement and the additional protocol. Since the relevant provisions of Security Council resolutions 1737, 1747 and 1803 constituted international law, it would also be in Iran's interest to consider taking the necessary steps in that context, particularly with a view to the implementation of Agency safeguards in Iran in a routine manner.

110. He cautioned that the international community bore responsibility for preventing the current situation from spiralling into an undesirable confrontation. Continued dialogue and diplomacy remained the best way forward. Thailand was encouraged by the fact that both the group of six countries, namely China, France, Germany, the Russian Federation, the United Kingdom and the United States of America, and Iran had made package proposals on the nuclear issue. The fact that the six outstanding issues had been resolved and the developments at the Geneva talks, held in July 2008, offered cause for optimism. The "freeze-for-freeze" proposal of the EU High Representative merited serious consideration. Meanwhile, he urged all parties to exercise the utmost restraint and create an environment conducive for negotiations.

111. Ms GERVAIS-VIDRICAIRE (Canada) said that, contrary to Iran's assertions, the Director General's most recent report indicated that there remained a number of outstanding issues. They were particularly troubling since they related to concerns about possible military dimensions to Iran's nuclear programme. The Director General's report stated that the documentation presented to Iran was

sufficiently comprehensive and detailed that it had to be taken seriously. Also, the Director General's previous report, contained in document GOV/2008/15, stated that the information appeared to have been derived from multiple sources over different periods of time, was detailed in content and appeared to be generally consistent. It was disappointing therefore that insufficient cooperation by Iran meant that the Secretariat had been unable to make overall progress in its investigation.

112. In the circumstances, it was essential that Iran respond in a substantive manner without delay. It needed to cooperate fully with the Agency and provide all the requested information, clarifications and access identified in the Director General's reports, particularly with regard to the alleged studies and activities with possible military dimensions. Such information and clarification were essential if the Agency was to determine that Iran's declarations were correct and complete and that its nuclear programme was of an entirely peaceful nature. Outstanding issues and concerns could best be addressed through openness and transparency as well as full cooperation, which was long overdue.

113. While a full resolution of the outstanding questions was a first step in restoring confidence, Iran must also take additional steps. It must implement fully its NPT safeguards agreement, including the provisions of its Subsidiary Arrangements related to design information, as agreed with the Agency pursuant to the Board decision of 1992 contained in GOV/2554/Attachment 2/Rev.2. In addition, Canada urged Iran to ratify without delay and implement fully its additional protocol and cooperate proactively with the Agency in its assessment of the correctness and completeness of all declarations made.

114. In the light of the lack of confidence expressed by the Board in the peaceful nature of Iran's nuclear programme, Canada endorsed fully the resolutions passed by the Board and the Security Council. Her delegation noted with great concern that Iran had not abided by those resolutions. As a confidence-building measure, Iran should heed the Board's requests and the requirements of Security Council resolutions 1696, 1737, 1747 and 1803 by suspending its enrichment related and reprocessing activities and the work on its heavy water research reactor at Arak and related projects.

115. In his latest report the Director General stated that, unless Iran undertook to resolve substantively the outstanding issues as a measure of transparency in accordance with its obligations, the Agency would not be in a position to progress in its verification of the absence of undeclared nuclear material. Canada believed that that would be a grave situation.

116. Finally, in view of the ongoing and broad interest in the issue, she requested that the report contained in document GOV/2008/38 be made public.

117. Mr BERDENNIKOV (Russian Federation) said his country supported the efforts of the Director General and the Secretariat with regard to Iran. They should continue in an unbiased, non-politicized manner on the basis of objectively proven facts.

118. He appealed to Iran to comply with the provisions of its safeguards agreement and the requirements of the relevant Security Council resolutions. It was important for Iran to resume implementation of the additional protocol and take the transparency measures foreseen in the Security Council resolutions so that progress could be made in providing assurances not only about the non-diversion of declared nuclear material but also the absence of undeclared nuclear material and activities.

119. In order to make progress in clarifying Iran's nuclear programme, it would be helpful if those Member States that had provided the Secretariat with documentation would agree to transmission of copies of the relevant documents to Iran for examination.

120. There was no alternative to a political and diplomatic settlement of the situation. The proposals made to Iran by the group of six countries offered a realistic approach to a negotiated settlement and it was in the interests of all parties that such negotiations begin as soon as possible.

121. Mr VALLIM GUERREIRO (Brazil) said that every Member State would like the Agency to apply safeguards in the Islamic Republic of Iran on the same routine basis as in other non-nuclear-weapon States party to the NPT. Brazil therefore urged Iran to create the necessary conditions for the Agency to dispel doubts about possible military dimensions to its nuclear programme.

122. The so-called alleged studies were the only point in the work plan concluded by the Agency and Iran that remained to be clarified and he was confident that the main elements of those studies would be explained as soon as possible thanks to enhanced cooperation and transparency on the part of Iran. Member States that had provided the Agency with documentation pertaining to the alleged studies should authorize the Agency to share it with Iran.

123. Brazil supported the Secretariat's efforts to bring the issue to a satisfactory conclusion, which meant restoring confidence in the exclusively peaceful nature of Iran's nuclear programme.

124. Mr AQRAWI (Iraq) welcomed the Agency's efforts to reach reliable conclusions in the matter of Iran's nuclear programme. Iraq urged all the parties involved to pursue a balanced policy. It recognized the legitimacy of the Agency's demands and the need to ensure full compliance with the Board's decisions and the relevant Security Council resolutions in order to reach a political solution through calm diplomatic dialogue.

125. He emphasized Iran's right, like all States, to use nuclear energy for peaceful purposes. It should, however, commit itself to transparency and provide the international community with credible assurances of the non-diversion of its civilian nuclear activities from their original purpose. The best way of doing so would be to resume implementation of the additional protocol as a confidence-building measure and to suspend uranium enrichment.

126. The Director General's latest report raised concerns about possible military dimensions to Iran's nuclear programme, particularly the statement that the documentation concerning alleged studies was sufficiently comprehensive and detailed that it needed to be taken seriously. Moreover, Iran had acknowledged that some of the information it contained was factually accurate.

127. Iraq supported the Agency's request to Iran to address the substance of the allegations with a view to dispelling doubts about the exclusively peaceful nature of its programme. It urged Iran to cooperate with the Agency without delay in implementing the five proposals set out in the report.

128. Iraq further supported the Director General's request to the countries that had provided documentation to the Agency to allow him to provide copies thereof to Iran, since transparency and confidence-building should be mutual and not confined to one party.

129. Mr GALANXHI (Albania) said that his country remained deeply concerned about the status of implementation by Iran of its safeguards agreement and provisions of relevant Security Council resolutions that required it to suspend uranium enrichment. Iran had clearly failed to do so and no substantive progress had been made in its cooperation with the Agency.

130. The case of Iran had entered into a vicious circle, with little prospect of a real solution. The Agency would be unable to make progress in its verification activities unless Iran demonstrated transparency and complied with the Security Council resolutions. If it had nothing to hide, it was difficult to see why it failed to provide the requested information and admit the Agency's inspectors. Iran had a duty to cooperate and to restore confidence.

131. All outstanding issues should be resolved at the negotiating table and the six-country offer was genuine and comprehensive. Reason should prevail for the benefit of both the Iranian people and the international community. Albania therefore urged Iran to cooperate fully and transparently with the Agency and to comply with the Security Council resolutions.

132. Mr MARFURT (Switzerland) noted with deep concern that the Agency had made no progress on the alleged studies or the outstanding issue relating to the uranium metal document. Iran continued to engage in enrichment related activities involving the installation of new IR-1 cascades, the feeding of such cascades with UF₆ and the testing of IR-2 and IR-3 centrifuges. Also, Iran had failed to act on the Agency's request to reconsider its decision to suspend the implementation of the modified text of Code 3.1. As a result, the Agency had no preliminary information on the Darkhovin nuclear power plant. In the absence of transparency on the part of Iran, the Agency would be unable to verify the absence of undeclared nuclear material and activities.

133. In July 2008 the EU High Representative, acting on behalf of China, France, Germany, the Russian Federation, the United Kingdom and the United States of America, had met the Secretary of Iran's National Security Council for the Geneva talks. The meeting followed several constructive developments, including the submission of packages of proposals by each side. Switzerland had welcomed the most recent six-country initiative based on the "freeze-for-freeze" concept. It believed that there was still a real prospect of a diplomatic solution and that the momentum thus created should be maintained.

134. Switzerland therefore encouraged Iran to increase its cooperation with the Agency in order to clarify the matter of the alleged studies and the outstanding issue. The Agency had made various proposals to that end in its report. Switzerland also called on States that had provided documentation to the Agency to authorize it, as requested by the Director General, to use the information as it saw fit.

135. Iran should also respond substantively to the six-country offer so that the "freeze-for-freeze" concept could be speedily implemented.

136. Mr DÍAZ (Mexico) acknowledged that the authorities of the Islamic Republic of Iran had given the Agency access to declared nuclear material and had provided accounting reports related to such material and activities. His delegation noted with concern, however, the references in the report to outstanding issues. It was essential for Iran to provide the information and access that was required to shed light on possible military dimensions to its nuclear programme, in accordance with the relevant Security Council resolutions. Mexico had taken note of the Agency's proposals aimed at protecting information of a strategic nature relating to Iran's conventional military activities and it therefore urged the Iranian Government to step up its cooperation with the Agency in order to clarify outstanding issues as a confidence-building measure and to provide guarantees of the strictly peaceful goals of its nuclear programme.

137. Dialogue and negotiations were the only viable means of settling disputes. Mexico supported diplomatic efforts to resolve the Iranian issue and trusted that substantive progress could be made towards a permanent solution in the near future. It had taken note of the new package of incentives for mutual cooperation submitted to the Iranian Government by the EU's High Representative for the Common Foreign and Security Policy in June 2008. It had also taken note of the Iranian Government's counter-proposal, the "Modality Plan", which reflected many elements of previous packages presented by the six countries involved. Both proposals could help to move the negotiations forward.

138. Mexico had always given high priority in its foreign policy to the peaceful settlement of disputes and to disarmament and the non-proliferation of nuclear weapons. It believed that the world would only be freed from the nuclear threat if all States cooperated and States possessing nuclear

weapons fulfilled their obligation to destroy them. Nuclear activities should comply in all cases with Article IV of the NPT and should be subject to Agency verification.

139. Ms LACANLALE (Philippines) reiterated her country's full confidence in the integrity, impartiality and professionalism of the Director General and the Secretariat and commended them on their dedication and hard work.

140. While welcoming the fact that the Agency had been able to verify the continued non-diversion of declared nuclear material in Iran, she noted that it had been unable to make any substantive progress on the alleged studies and other associated key remaining issues.

141. The Philippines urged all parties concerned to cooperate fully with the Agency so that it could provide credible assurances about the absence of undeclared nuclear material and activities in Iran. It reiterated its call to Iran to implement the additional protocol, to comply with relevant Security Council and Board resolutions, and to demonstrate transparency and continue providing the necessary access as confidence-building measures.

142. The Philippines stressed the importance of finding a peaceful and comprehensive solution to the issue through continued consultations and dialogue. It hoped that cooperation between Iran and the Agency could be resumed as soon as possible and that Iran's safeguards agreement could be implemented as a routine matter.

143. Mr TANG Guoqiang (China), commending the Secretariat on its impartial and professional work, said that China would continue to support a constructive role for the Agency in solving the Iranian nuclear issue. It advocated a peaceful and negotiated settlement in order to maintain peace and stability in the Middle East.

144. The resumption of negotiations provided an important opportunity. In June 2008, the EU High Representative, on behalf of the six countries, had submitted proposals and a roadmap for the resumption of talks to Iran. At a first meeting in Geneva the following month, the two sides had expressed their willingness to resolve the issue through dialogue and negotiation. Channels of communication remained open and Iran was still cooperating with the Agency. The parties concerned should therefore step up their efforts, show more flexibility and pursue diplomatic efforts to achieve a comprehensive and lasting solution.

145. China hoped that Iran would fully implement the relevant Board and Security Council resolutions and continue to cooperate with the Agency. It also hoped that the other parties concerned would remain patient and create favourable conditions for the resumption of talks. China would continue to work tirelessly for the preservation of the non-proliferation regime, the maintenance of regional peace and stability, and a negotiation solution to the Iranian nuclear issue.

146. Mr SHANNON (Australia) noted that, despite the Secretariat's assiduous efforts and repeated assurances of cooperation from Iran, no progress had been made towards resolving the international community's long-standing and genuine concerns about the scope and nature of Iran's nuclear programme.

147. It was regrettable that Iran had continue to expand its enrichment activities even as evidence of the existence of military dimensions to its nuclear programme continued to grow. The alleged studies were only one element of the body of evidence. The Secretariat, based on its independent and impartial assessment, had described the information as credible, comprehensive, consistent, detailed and deriving from multiple sources. It included troubling new indications of foreign assistance for Iran's experiments with hemispherical high explosive charges suitable for an implosion-type nuclear device.

148. Although the Secretariat had made a number of creative proposals on how to move forward with the investigation, Iran continued to deny the Agency access to documents, sites and individuals that could enable it to verify Iran's claims. It also continued to deny the Agency the means to verify that its current nuclear activities were exclusively peaceful. Australia called on Iran to implement the additional protocol and the modified Code 3.1 without delay and to undertake any further transparency measures that might be necessary.

149. The Australian Minister for Foreign Affairs had recently expressed concern in Parliament about Iran's pursuit of proliferation-sensitive activities in violation of four legally binding Security Council resolutions, stating that Iran should immediately suspend its uranium enrichment and reprocessing related activities and grant the Agency the access it required to dispel the international community's doubts about its peaceful intentions. Iran had a clear choice between cooperation and further isolation from the international community.

150. Mr AMANO (Japan) said that it was a matter of serious concern that the Agency had been unable to make substantive progress on the alleged studies and other associated key remaining issues. Japan noted from the Director General's latest report that unless Iran provided the Agency with substantive information and access to relevant documentation and individuals, and unless it implemented the additional protocol, the Agency would not be able to provide credible assurances about the absence of undeclared nuclear material and activities in Iran. His country urged Iran to cooperate fully with the Agency in order to clarify the nature and scope of its past and present nuclear activities.

151. Japan was also concerned that Iran, contrary to relevant Security Council resolutions and despite repeated requests from the international community, continued to conduct enrichment related activities, to work on heavy water related projects and to suspend its implementation of the additional protocol, which it had not yet ratified. It was also deeply regrettable that Iran was conducting R&D activities on a new generation of centrifuges, was expanding its enrichment related activities at Natanz, and continued to suspend its implementation of the modified Code 3.1 of the Subsidiary Arrangements.

152. Japan urged Iran to suspend its enrichment related and heavy water related activities, to ratify and implement the additional protocol, to take other transparency measures and to return without delay to the negotiation process based on a comprehensive package proposed by the six countries involved in the talks. Japan supported those diplomatic efforts and would continue to take every opportunity to encourage Iran to respond to the requirements of the international community and to implement all relevant Board and Security Council resolutions.

153. Mr STACEY MORENO (Ecuador) welcomed the Agency's verification of the non-diversion of declared nuclear material in Iran and praised its vigorous efforts to clarify outstanding issues relating to the alleged studies and its general assessment of the Iranian nuclear programme. Ecuador advocated confidence-building measures as the most appropriate means of promoting cooperation with the Agency in the pursuit of its mandate and of ensuring Member States' compliance with their legal obligations and commitments.

154. He noted that Iran had given the Agency access to declared nuclear material and had provided the required nuclear material accounting reports, but that it had not implemented the modified text of Code 3.1 on the early provision of design information. He further noted that Iran must provide the requested clarifications to enable the Agency to make progress in connection with the alleged studies and to provide assurances about the absence of undeclared nuclear material and activities. There were also outstanding issues relating to activities at enrichment plants and the construction of the IR-40 nuclear research reactor.

155. Ecuador emphasized its position regarding the inalienable rights of all States that complied with their NPT obligations. At the same time, it stressed the need for sustained action to promote the downscaling of nuclear arsenals, the universalization of the NPT regime and the effective implementation of safeguards and verification in all countries. It further stressed the importance of establishing a nuclear-weapon-free zone in the Middle East.

156. Lastly, Ecuador rejected any unilateral action undertaken outside the United Nations system and in violation of international law. Instead it supported steps to create an enabling environment for a frank and open dialogue within the multilateral system.

The meeting rose at 1 p.m.