

IAEA Board of Governors

Record of the 1220th Meeting
GOV/OR.1220

Nuclear Verification

(e) Implementation of the NPT safeguards agreement of the Socialist People's
Libyan Arab Jamahiriya

Board of Governors

GOV/OR.1220

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Record of the 1220th 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
Ms ESPINOZA PATIÑO		Bolivia
Mr VALLIM GUERREIRO		Brazil
Ms GERVAIS-VIDRICAIRE		Canada
Mr LAGOS KOLLER		Chile
Mr TANG Guoqiang		China
Mr HORVATIĆ		Croatia
Mr STACEY MORENO		Ecuador
Mr KEBEDE		Ethiopia
Ms KAUPPI		Finland
Mr CARON	}	France
Mr DENIAU	}	
Mr LÜDEKING		Germany
Mr BAAH-DUODU		Ghana
Mr KUMAR		India
Mr ALSHARIA		Iraq
Mr COGAN		Ireland
Mr BAIANO		Italy
Mr AMANO		Japan
Mr MAKSIMOVAS		Lithuania
Mr FUENTES SANCHEZ		Mexico
Mr AIT SLIMANE		Morocco
Mr EDOKPA		Nigeria
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 ANING		Secretary of the Board

Representatives of the following Member States also attended the meeting:

Afghanistan, Angola, Armenia, Azerbaijan, Belarus, Belgium, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Estonia, Greece, Guatemala, Holy See, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Israel, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Malta, Montenegro, Namibia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Tunisia, Turkey, Ukraine, Uruguay, Bolivarian Republic of Venezuela, Yemen, Zimbabwe.

Abbreviations used in this record:

CIA	Central Intelligence Agency
DPRK	Democratic People's Republic of Korea
EU	European Union
HEU	high-enriched uranium
LEU	low-enriched uranium
NPT Review Conference	Review Conference of the Parties to the 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

(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** (continued) (GOV/2008/38)

1. Mr LÜDEKING (Germany), speaking on behalf of his own country, France and the United Kingdom, said that the report contained in document GOV/2008/38 was straightforward and unequivocal, clearly setting out the situation. Firstly, there were still a number of outstanding issues of grave concern about possible military dimensions to Iran's nuclear programme. Those included the alleged studies, the uranium metal document, and certain procurement, research and production activities by military related institutions and companies. Secondly, Iran had failed to cooperate in resolving those issues, as illustrated by the fact that it had not responded constructively to the Agency's concrete proposals for addressing the alleged studies. It had not even identified and clarified those elements of the documentation which it considered to be factually correct, let alone give the Agency the access it requested. Thirdly, as a result of Iran's refusal to cooperate, the Agency had not been able to make any progress on the outstanding issues. Fourthly, there was no sign that Iran was willing to suspend its enrichment related activities, as required by the Security Council. On the contrary, Iran was expanding and further developing its enrichment programme by adding new centrifuges and cascades to its Fuel Enrichment Plant in Natanz and pressing ahead with R&D work on new centrifuges. In his introductory statement², the Director General had said that Iran had thus far produced only limited quantities of LEU, but that was still a cause for concern for the international community in the absence of full clarity about Iran's past and present nuclear programme. Fifthly, Iran continued to disregard important obligations under its safeguards agreement, including the early provision of design information pursuant to Code 3.1 of the Subsidiary Arrangements. Overall, the report presented a decidedly bleak picture.

2. The Director General's latest report showed that Iran was continuing to defy the requests of the international community. It was continuing to disregard its legally binding obligations under the relevant Security Council resolutions, and the Board's requirements. Far from inspiring confidence, Iran's violation of its obligations undermined confidence and deepened suspicion.

3. In the intervening months since the Director General's previous report to the Board, Iran had failed to offer the Agency any degree of transparency or cooperation, further adding to doubts about the nature of its nuclear programme.

4. A particularly critical juncture appeared to have been reached, with Iran asserting that there was nothing for the Agency to investigate as regards possible military dimensions to its nuclear programme. That could not be an acceptable answer for the Board. Iran had to address squarely the questions that the Agency had posed because, as the Director General had made clear, they were based on comprehensive and detailed information derived from multiple sources over different periods of time. Only by answering those questions and not evading them could Iran dispel the doubts about its nuclear programme. He took note of the concrete proposals that the Director General had suggested as a way forward for Iran to address those issues.

² See GOV/OR.1215 paras 19–22.

5. There was no reason not to cooperate with the Agency; if Iran was not pursuing a military nuclear programme, it should have no difficulty doing so. Iran had to explain why its military was so deeply involved in its nuclear programme.

6. Iran had no alternative but to change course, unblock the situation and comply with the Agency's requests. It should implement all the measures required to build confidence in the exclusively peaceful nature of its nuclear programme at the earliest possible date. At such a crucial juncture, it was important that the Board be unanimous in its support for the Agency to fulfil its mandate. The Agency needed and deserved the trust and unstinting support of its Member States. He expressed appreciation for the professional, impartial and dedicated efforts of the Director General and Secretariat to implement the safeguards agreement in Iran, along with the relevant provisions of Security Council resolutions.

7. France, the United Kingdom and Germany, together with China, the Russian Federation and the United States of America, with the support of the EU High Representative, remained committed to achieving a diplomatic solution to the Iranian nuclear issue, as had been confirmed by the political directors of those six countries at their recent meeting in Washington.

8. Since the meetings of the Board in June, substantial efforts aimed at offering Iran a way into negotiations had been undertaken. In June, the EU High Representative had presented Iran with a comprehensive package of proposals for broad-based negotiations, which would address the country's interests and the concerns of the international community. That package offered Iran cooperation in a wide spectrum of fields, including support for the development of a modern nuclear power generation programme based on state-of-the-art light water reactor technology, as well as for R&D in nuclear energy as international confidence was gradually restored. In July, the EU High Representative and the six countries had met Iran's nuclear negotiator in Geneva to hear his country's reaction to the offer and explore possible modalities for a way forward which would allow Iran to prepare the ground for entering into negotiations in a step-by-step approach. Regrettably, Iran had not yet responded positively to the proposals made. Negotiations, by definition, could not be one-sided. They required a negotiating partner who was willing to engage seriously and address the key concerns of the international community and who was ready to work constructively to arrive at an acceptable result which would build confidence in the exclusively peaceful nature of Iran's nuclear programme, thus clearing the way to the opening of a new chapter in relations with Iran. Non-compliance and *faits accomplis* did not instil confidence; nor did playing for time.

9. Ms FEROUKHI (Algeria), having thanked the Secretariat for its briefing of 16 September on the implementation of safeguards in Iran, noted from the report that the Agency had been able to verify the non-diversion of declared nuclear material in Iran and had not detected the use of nuclear material in connection with the alleged studies.

10. The intensive cooperation between the Agency and Iran under the agreed work plan, allowing the outstanding issues to be resolved, was a positive development. The meetings held in Iran between the Secretariat and the Iranian authorities on the alleged studies were a sign that cooperation on that issue was ongoing. Dialogue and cooperation remained the best instruments for the peaceful settlement of differences of opinion.

11. In that context, it would be useful if the Member States that had provided the documents related to the alleged studies could respond positively to the Director General's call for authorization so that the Agency could provide copies to the Iranian authorities. Also, Algeria supported the Director General's suggestion to develop arrangements which enabled the Agency to do its work on that sensitive issue, while ensuring that Iran's legitimate right to confidentiality of information was respected.

12. She expressed her country's appreciation to the Director General and Secretariat for their professionalism and impartiality in carrying out their mission and urged Iran to step up its cooperation with the Agency in order to speed up resolution of the issue.

13. Mr GUMBI (South Africa) noted that Iran continued to provide the Agency with access to declared nuclear material and had provided the required nuclear material accountancy reports in connection with declared nuclear material and activities. The Agency had therefore been able to continue to verify the non-diversion of declared nuclear material in Iran.

14. Since March 2007, 17 unannounced inspections had been conducted at the Fuel Enrichment Plant. South Africa welcomed the Agency's findings that all nuclear material at the Pilot Fuel Enrichment Plant remained under Agency containment and surveillance.

15. The Board had called upon Iran to re-establish full and sustained suspension of all enrichment related and reprocessing activities and to reconsider the construction of a research reactor moderated by heavy water. Those steps had subsequently been made a mandatory requirement by the Security Council. His country was concerned that Iran had not implemented all of those steps and stressed the importance of Iran recommitting itself to implementation of the additional protocol.

16. South Africa took note of the outstanding issues which gave rise to concerns about possible military dimensions to Iran's nuclear programme. That was a matter of serious concern and clarification of those issues was critical to an assessment of the nature of Iran's past and present nuclear programme.

17. Those Member States that had provided information to the Agency on the alleged high explosives studies and material relevant to the alleged missile re-entry vehicle had a moral duty to ensure that the information was not manipulated in such a way as to cast false doubt on Iran's nuclear programme. South Africa supported the Director General's call that those Member States should allow the Agency to share that documentation with Iran.

18. South Africa noted that the Agency had not detected the actual use of nuclear material in connection with the alleged studies. After so many years of verification activities in Iran, it was a matter of concern that the Agency was still not in a position to conclude that there were no undeclared nuclear materials or activities or to determine the full nature of Iran's nuclear programme.

19. Iran must intensify its cooperation with the Agency and provide the clarifications the Agency requested in order to lay the foundations for the road to peace. Member States and the Agency could then methodically adopt a forward looking approach which would not affect Iran's inalienable right to develop research, production and use of nuclear energy for peaceful purposes.

20. The Agency was the only international authority that could verify and provide the necessary assurances as to the peaceful nature of Iran's nuclear programme. It was critical that the Agency continue its verification process and not be restricted in any way. Member States had a moral duty to focus on how to support the Agency.

21. Iran had a unique opportunity to demonstrate its resolve to clarify the final outstanding questions with the Agency. South Africa placed its full trust and confidence in the Director General and his staff as they discharged their responsibilities in that regard.

22. Mr BAAH-DUODU (Ghana) joined previous speakers in urging the Member States that had provided the Agency with documentation concerning the alleged studies to heed the Director General's appeal to authorize him to share that documentation with Iran. That would help to clarify the situation, promote mutual trust and enhance global nuclear security.

23. Diplomacy and dialogue were the only way to resolve the issue. Nuclear technologies posed complex and wide-ranging safety and security challenges that had to be addressed effectively. In that spirit, Ghana urged Iran to provide the Agency with the clarifications it sought.

24. Mr SCHULTE (United States of America) commended the Director General and Secretariat for their continued professional and exhaustive efforts to answer troubling questions about Iran's activities. It was deeply regrettable that Iran's efforts to assist the Agency had not been similarly exhaustive. Some had described the current situation as a gridlock; a better description would be a series of roadblocks, erected by Iran.

25. The Director General's report was clear and direct in describing the Secretariat's efforts to address serious outstanding issues related to possible military dimensions to Iran's nuclear programme. The Agency had requested that Iran identify and clarify which documentation related to outstanding issues was factual and which it believed was fabricated. The Agency had requested access to specific documents, which Iran had acknowledged did exist, that might connect nuclear research with a military institute. Inspectors had also requested that Iran provide access to individuals named in the documentation. With respect to studies in high explosives testing, the Agency had asked Iran to provide original documentation and access to individuals involved, including further information regarding possible foreign assistance Iran might have received on a high explosives system suitable for use in an implosion-type nuclear device. The Agency had also asked Iran to clarify details about studies regarding the Shahab-3 missile re-entry vehicle in order to verify whether they were associated with nuclear related activities or, as Iran had claimed, were related only to conventional military activities.

26. The Agency had characterized the documentation and other information it had amassed on possible military dimensions as sufficiently comprehensive and detailed that it had to be taken seriously. Iran itself had acknowledged that some of the information was factually accurate but refused to engage the Agency on substance and refused to provide credible explanations to support its claims that all of the information, regardless of its consistency and multiple sources, was pure forgery and fabrication. Instead of addressing the substance, Iran had focused on deficiencies in form and format, while refusing to provide access to individuals, facilities, and documentation, thereby clearly stonewalling the Agency's investigation.

27. Iran claimed repeatedly that the Agency had asked questions not covered by the August 2007 work plan, but the Agency's mandate was to investigate the nuclear activities of States and ask all the questions necessary to understand the nature of their nuclear programmes. States that had violated their safeguards agreements should be returned to routine status only when the Agency had verified the answers received and satisfied itself that the nuclear programme in question was peaceful. The report made it clear that there were still doubts about the nature of Iran's nuclear programme and that many questions remained unanswered. Iran had pushed all the Agency's questions about the possible military dimensions of its programme to the end of the work plan and was now refusing to answer them.

28. The Director General also reported, for the seventh time since the adoption of Security Council resolution 1737 in December 2006, that Iran was continuing to defy its obligation to suspend its uranium enrichment and heavy water related activities, as required by three Security Council resolutions. Instead, it was continuing to expand and improve its enrichment operations at Natanz and had stockpiled a large quantity of LEU. Why was Iran persisting with an enrichment programme in the face of Security Council requirements and international sanctions, even though it did not need that programme for peaceful purposes? Iran had already received shipments of fuel for its Bushehr reactor, and Russia had committed to continue to provide fuel for the reactor's lifetime.

29. Iran also continued to refuse to implement the additional protocol. The United States was concerned by the fact that Iran was not providing the access necessary for the Agency to verify the absence of undeclared activities. Given Iran's 20-year history of concealing significant portions of its nuclear programme, his country, like the Agency inspectors, was not willing to take Iran's word that such facilities did not exist.

30. Further, Iran refused even to implement fully its safeguards agreement, claiming to have unilaterally discontinued its obligation for early declaration of new nuclear facilities under the modified Code 3.1 of the Subsidiary Arrangements. Such a claim seemed to be the act of a State determined to undermine transparency, rather than rebuild confidence. Iran's delisting of certain inspectors eligible to travel to Iran, which had forced the Agency to exchange experienced inspectors for those who had not previously been to Iran, seemed another tactic in Iran's long strategy of delay and deception and to deflect the consequences of its behaviour. That strategy of delay and denial was a challenge to the Agency and Board members. If Iran did not seize the opportunity for talks by suspending its enrichment related activities, the price would be even greater international isolation.

31. The United States would continue strongly to support the Agency's investigation in Iran until it could report that it had a verified, coherent and comprehensive understanding of all Iran's nuclear activities. Iran should reconsider its policy of non-cooperation and engage fully and transparently with the Secretariat in resolving outstanding issues without further delay. The United States urged Iran to provide the Agency immediately with all requested information on its past, current and planned nuclear activities and to acknowledge its continuing obligation to do so.

32. Member States should support the Agency in its efforts, in particular through the provision of any information of value to the Agency inspectors in their investigation. The United States hoped that all States would show active cooperation in that respect and also provide information related to alleged foreign assistance with Iran's past high explosives work. Such assistance would be deeply troubling, as it could imply the availability to Iran of potentially significant experience in high explosives testing for implosion-type nuclear weapons. Such support for the Agency in carrying out its mission was imperative for the continued integrity of the international non-proliferation regime and international security.

33. His Government's goal remained a diplomatic resolution of international concerns over Iran's nuclear programme. To that end, the United States stood with the other four permanent members of the Security Council and Germany in urging Iran's leaders to accept the generous offer they had conveyed in 2006, and updated and expanded in June 2008. Iran should comply with its Security Council obligations, including the suspension of proliferation sensitive nuclear activities. Not only would that allow negotiations to begin regarding the six-country offer, but it would also help to establish confidence in the exclusively peaceful nature of Iran's nuclear programme. Instead of facing increased sanctions and international isolation, Iran's leaders had the chance to pursue civilian nuclear energy cooperation, economic development, and educational and agricultural progress. A decision by Iran's leaders to suspend those activities would open the door to a wide variety of benefits that would advance the legitimate aspirations of the Iranian people.

34. The United States urged the Iranian Government to take advantage of the opportunity to resolve all outstanding issues with the Agency, build confidence in the nature of its nuclear programme and enter into negotiations on the future of the programme. Only then could the interests of the Iranian people be satisfied and the serious concerns of the international community be fully addressed.

35. Mr KUMAR (India) expressed his country's appreciation to the Director General and his colleagues for their efforts to resolve the current impasse in the Iranian nuclear issue. India hoped that, through continued efforts and goodwill on the part of all concerned, the remaining aspects of concern

and outstanding issues referred to in the Director General's latest report could be resolved. He drew particular attention to the importance of addressing the supply side of proliferation in order to resolve the issue. India trusted that Iran would continue to cooperate with the Agency in a spirit of transparency and address the concerns mentioned in the report. His country urged all parties to continue to cooperate in resolving outstanding issues peacefully and through dialogue.

36. Ms MACMILLAN (New Zealand)* expressed concern about the situation described in the Director General's report and noted that a number of issues identified in his preceding report, which gave rise to concerns about possible military dimensions to Iran's nuclear programme, were still outstanding.

37. The Agency had pointed to the need for Iran, inter alia, to provide the information and access necessary to resolve questions related to the alleged studies, provide more information on the circumstances of the acquisition of the uranium metal document, clarify procurement and R&D activities of military related institutes and companies that could have nuclear connections, and clarify the production of nuclear equipment and components by companies in the defence industry. New Zealand agreed with the Director General that such information was critical in order to assess Iran's past and present nuclear programme. It was essential that Iran provide all the requested information and clarifications without further delay and her country urged Iran to work with the Agency to that end in a timely and transparent manner.

38. New Zealand remained deeply concerned about Iran's failure to comply with the provisions of Security Council and Agency resolutions, particularly in relation to the suspension of all enrichment and reprocessing activities, as well as its failure to implement the additional protocol and reconsider its decision to suspend implementation of the modified Code 3.1 of the Subsidiary Arrangements. Her country noted that operation of the Pilot Fuel Enrichment Plant and the Fuel Enrichment Plant was continuing, as was the installation of new cascades and the operation of new generation centrifuges for test purposes. Work was also continuing on the construction of the IR-40 research reactor and operation of the heavy water production plant. New Zealand endorsed the Director General's call for Iran to comply with all Board decisions and Security Council resolutions without delay so as to build confidence in the peaceful nature of its nuclear programme.

39. While recognizing that the Agency had been able to verify the non-diversion of declared nuclear material in Iran and had accounted for its declared nuclear material and activities, New Zealand felt that Iran's efforts on its declared nuclear programme were undermined by its lack of implementation of the additional protocol and its failure to reconsider suspension of the implementation of the modified Code 3.1. That left the Agency unable to make progress towards credible assurances about the absence of undeclared material and activities in Iran, which was especially important in the light of the many years of undeclared activities in the country and the confidence deficit created as a result.

40. New Zealand continued strongly to support a diplomatic solution to the Iranian nuclear issue based on that country's compliance with Agency and Security Council requirements and stressed that Iran had to play its part to bring about such an outcome.

41. Ms GOICOCHEA ESTENOZ (Cuba)* said that the Director General's latest report on developments in Iran only confirmed the sense of being trapped in a vicious circle, resulting from the politicization by a few countries of a sensitive issue of an essentially technical nature.

42. Implementation of the work plan agreed between the Islamic Republic of Iran and the Agency should have led to closure of the issue. Her delegation had supposed, perhaps naively, that the matter would be dealt with under the safeguards agreement concluded between the two parties. However, the reality had been completely different. In September 2007, the Board had taken note of the work plan, which set out the outstanding issues and the modalities for resolving other outstanding issues.

According to the letter and spirit of the work plan, once those matters had been resolved, the case would be closed. The alleged studies had not been considered outstanding issues under the work plan, which established only a mechanism for an exchange of information in that regard. Why then was closure of the case now been made conditional on that issue? Would new elements continue to be found so that Iran could be kept in the dock indefinitely? Even if the international community felt itself able to allow such political manipulation, Cuba firmly rejected it.

43. At the Board's meetings in June 2008, Cuba had expressed the hope that the talks between China, France, Germany, the Russian Federation, the United Kingdom, the United States and the Iranian authorities could result in a negotiated, unconditional and realistic solution to the issue that met the expectations of the majority of the international community. Unfortunately, the talks had once again focused on requiring Iran to suspend its nuclear fuel cycle activities and the hoped-for result had not been achieved. Suspending enrichment had never been and would never be a necessary factor in resolving the so-called Iranian nuclear issue. It was being introduced by those who were more interested in their own geopolitical objectives than in the Agency performing its statutory functions. Pressure and subterfuge had been employed to include the suspension of enrichment as a voluntary confidence-building measure in Board decisions by the same countries that later gave legal force to the concept through Security Council resolutions. Their sacred right of veto had protected their manoeuvres.

44. There were no grounds whatsoever for turning voluntary measures into obligations. Furthermore, signing and ratifying an additional protocol was a voluntary and sovereign act of a Member State; not one that could be imposed. Iran had been implementing its additional protocol voluntarily until the imposition of sanctions by the Security Council. Its sovereign response to such aggression had been to suspend application of its additional protocol. Who should then be blamed for the current situation: Iran, or those who had led the world down a blind alley?

45. Attempting to make Iran suspend its nuclear fuel cycle activities as a precondition to resolving the issue — or to negotiation — was unjust, made no sense and should be rejected. It poisoned the climate of confidence needed to find a solution. Iran could not be asked for greater cooperation while its inalienable right to develop nuclear energy for peaceful purposes was being denied. The climate of confidence required to resolve aspects related to Iran's past nuclear programme once and for all could not be built on the basis of such absurd requirements, nor new sanctions.

46. Moreover, it was hypocritical and showed a lack of transparency on the part of Member States to ask Iran for more cooperation while at the same time they were obstructing the Secretariat's verification activities by not allowing it to provide documents to Iran. That deserved condemnation in a resolution of the Board or the General Conference as it violated the Agency's Statute, in particular Article VIII.C thereof. Her delegation would participate in negotiating such a draft resolution with the same commitment that it showed on other subjects.

47. The very same Member States supported the expansionist aims of the State of Israel and ignored the protests of the international majority which, among other things, had requested Israel to accede unconditionally and without delay to the NPT and to submit its nuclear installations to Agency safeguards in accordance with relevant Security Council resolutions. Her delegation denounced the hypocritical and biased policy of those Member States, which was based on double standards.

48. She reiterated Cuba's firm conviction that the Iranian nuclear dossier should be returned to Vienna and dealt with in a routine manner. The intrusive policies of certain Member States with respect to the work of the Agency should be rejected as they affected its credibility. Cuba was confident that the Agency would continue to carry out its verification activities in an impartial, objective and reliable manner.

49. Mr JOHANSEN (Norway)* noted that the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran and that Iran had provided the Agency with access to declared nuclear material and had supplied the required nuclear material accounting reports. At the same time, Norway shared the concerns of others that Iran had still not demonstrated the necessary transparency and cooperation. Norway regretted that Iran had not responded to the demands set forth in resolutions of the Board and the Security Council.

50. Stressing that the goal should be a diplomatic solution that accommodated both Iran's right to use nuclear energy for peaceful purposes and the international community's non-proliferation concerns, he appealed to Iran to meet international demands and reach a political solution on the basis of the package proposed by China, France, Germany, the Russian Federation, the United Kingdom and the United States of America.

51. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela)*, reaffirming his delegation's rejection of all discriminatory practices or double standards which threatened the principle of legal equality among States, condemned those countries that, on the pretext of deterring unproven threats from other countries, violated the inalienable right of all States to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

52. In August 2007, as an additional measure resulting from negotiations between the Iranian nuclear authorities and the Director General, a work plan (contained in document INFCIRC/711) had been agreed in order to clarify further the nature of Iran's nuclear programme. The six outstanding issues had been clarified by Iran, as confirmed by the Agency. The voluntary measures adopted by Iran were proof of its commitment to and cooperation with the Agency. Thus, the application of safeguards in Iran should now return to being a routine matter so as to create a climate conducive to future exchanges of information between the Agency and the Iranian Government, to strengthen cooperation and to build confidence.

53. With respect to the alleged studies, he expressed disappointment that some countries were persisting in exerting pressure on the Agency through the provision of information of dubious veracity and which went beyond the Agency's mandate. The countries that had submitted allegations against another Member State were refusing to provide copies of the documents in question, thereby obstructing the fundamental right of a State to defend itself. Such actions were in contrast to the good intentions shown in the negotiation process, the ultimate aim of which was to reach, by transparent, legal and just means, a solution which did not infringe the rights of any party. Venezuela therefore supported the Director General's call for authorization from the States which had provided the documentation on the alleged studies to share it with Iran.

54. He expressed satisfaction that the Agency had been able to confirm once again that there had been no diversion from Iran's declared nuclear activities and that those activities were all under Agency safeguards. His country was committed to initiatives aimed at a peaceful and negotiated solution to the issue, without prior conditions and respecting the legitimate rights of all Member States under the NPT and the Agency's Statute.

55. Mr SOLTANIEH (Islamic Republic of Iran)* wondered how, almost six years after the issue of Iran's nuclear activities and programme had first been raised before the Board of Governors, a simple visit by the Director General, at Iran's invitation, had developed into a political crisis. Following the Director General's visit to the Natanz enrichment facility in 2003, swipe samples had been taken and had been found to be contaminated with particles of LEU and HEU. Iran had declared the contamination to be of foreign origin, but the United States of America had made much of the discovery.

56. Iran had voluntarily agreed to a short suspension of enrichment to afford the Agency the opportunity to carry out its technical verification and clarification. When, after robust investigations and analysis, the Agency had declared that the contamination did not result from enrichment in Iran and had confirmed Iran's assertion, it had been expected that the issue would be promptly removed from the Board's agenda. The United States, however, had attempted to keep the issue on the agenda by bringing new allegations on the eve of Board meetings. The Director General had reported that all such allegations, even regarding military sites, had proved to be baseless. As a result, the Agency's time and resources had been wasted and Iran had suffered tremendous financial and political damage.

57. A work plan aimed at resolving all past and present outstanding issues had been negotiated with the Agency and concluded as a joint agreement on 27 August 2007 (document INFCIRC/711). Under the work plan the Agency had agreed to place all remaining issues on the table. It had responded with a list of six questions considered to fall within its technical purview. The work plan had specifically stated that, after receiving the questions, no other questions would be left, and that Iran would provide the Agency with the required clarifications and information.

58. In the course of negotiations, the Agency had asked Iran to respond to allegations made by the United States — the so-called alleged studies — concerning the green salt project, high explosives testing and the missile re-entry vehicle project. Iran had declared that the last two were outside the Agency's statutory mandate and that the alleged studies were baseless. Nonetheless, the Agency had requested Iran to help clarify and prove its assertion through simple review and assessment of the materials in question. It had been well understood that the alleged studies did not fall into the same category as the six outstanding questions. They had been reflected separately in the work plan and no discussions, interviews, site visits or sampling had been envisaged.

59. Given that the work plan had stated that there were no other remaining issues or ambiguities regarding Iran's past nuclear programme and activities, it was surprising and regrettable to find the term outstanding issues still being used. If there had been any intention to raise other issues in addition to the alleged studies, such as possible military dimensions, they should have been raised by the Agency in the course of negotiations and reflected in the work plan. The work plan made no mention of possible military dimensions.

60. The Agency had explicitly stated in a written document dated 13 May 2008 that: "Therefore no document establishing the administrative interconnections between "Green Salt" and two other remaining subjects on alleged studies, namely "High Explosive Testing" and "Re-entry Vehicle" have been delivered or presented to Iran by the Agency." That statement of a fact, which regrettably had not been reflected in the Director General's report, showed that, contrary to what was stated in the report, the documents related to the issue of alleged studies lacked any internal consistency or coherence. As reported by the Director General, the Agency had been prevented from fulfilling its obligation to deliver the relevant documents to Iran by the United States. The Agency had expressed deep regret and asked Iran to show flexibility and accept a PowerPoint presentation instead of receiving the documents themselves.

61. The CIA appeared to have forgotten even to put classification seals on the forged materials they had submitted to the Agency, which purported to relate to a Manhattan-style Project. All in their haste to prepare a package of new allegations, including forged documents, for the Board of Governors, just as the Director General was about to submit a positive report on resolution of the matter of uranium contamination at Natanz and confirmation of Iran's past declaration. As had been stated at the technical briefing given by the Secretariat on 16 September 2008, there was no proof of the authenticity of the documents on the alleged studies and no original documents existed. Contrary to the work plan, which had envisaged no discussions, seven rounds of technical meetings had been held in Iran at which, in addition to thorough oral explanations, a 117-page clarification and response had

been given to the Agency, proving that all the documents and materials related to the alleged studies had been forged or fabricated.

62. It was very disappointing that some delegates were deliberately ignoring the Agency's conclusion and decisions on the closure of issues, such as the uranium metal document. Instead, they were pursuing their own hidden agenda to keep the Iranian nuclear issue on the table. The Agency, however, had explicitly acknowledged in a written communication dated 8 November 2007: "Iran handed over the 15-page document regarding U-reconversion and casting. This closes the U-Metal issue of the Workplan." In a communication dated 23 November 2008, the Agency had reconfirmed the conclusion of the issue and had further added: "The Agency thanks Iran for the document provided and confirms that Iran has completed this action of the Workplan."

63. The situation was simple. No original and authentic documents existed. The Agency had not been able to deliver to Iran any original documents or materials on the alleged studies. Nevertheless, Iran had fulfilled its obligations in accordance with the work plan. If the current trend continued, mutual confidence and trust among Member States — and also between Member States and the Secretariat — would be at great risk, jeopardizing the credibility and integrity of the Agency.

64. Given that all the issues covered by the work plan, including that of the alleged studies, had been resolved, the implementation of safeguards in Iran could and should be conducted in a routine manner once more, as envisaged in Section IV.5 of the work plan. Iran believed that, in view of the detailed responses it had provided, the Agency was in a position to declare that the documents relating to the alleged studies lacked authenticity and were baseless and forged. Thus, the Agency could consider the issue closed and, in accordance with the work plan, return to routine safeguards implementation in Iran. Then Iran, like other Member States, would answer further questions in a new, cooperative environment in accordance with its obligations under its comprehensive safeguards agreement.

65. Referring to the statement made by the Governor from France on behalf of the EU, which appeared not to take account of the latest developments, he said that, following the negotiations held in Geneva in July 2008 with officials from the six countries and the EU, the Secretary of Iran's Supreme National Security Council had written to the EU High Representative, expressing Iran's readiness to give a clear answer to the proposal presented to it earlier if it received clear answers to its questions and clarification of ambiguities. Subsequently, both sides had spoken by telephone and had held meetings and talks. The talks had been evaluated as positive, constructive and serious, and as a process that must continue.

66. The kind of strong, negative statement that had been delivered by the Governor from Germany on behalf of France, Germany and the United Kingdom (the EU-3) was counterproductive to cooperation and to finding a peaceful solution. Using the language of threat, as Australia had done, would certainly cause the situation to deteriorate. It was shameful that those countries that had involved the Security Council in the issue had not once, since 2003, quoted the positive parts of the various reports by the Director General.

67. There was now a serious confidence deficit. Despite the fact that, since 2002, the Board had declared that implementation by Iran of its additional protocol would give credible assurance of the exclusively peaceful nature of its nuclear activities, Iran's voluntary implementation of its additional protocol for two and a half years did not appear to have provided the necessary assurance and the issue had been referred to the Security Council. In 2003, the EU-3 had requested that Iran suspend feeding material into centrifuge machines, as a voluntary and temporary measure. The more Iran had cooperated, however, and implemented its additional protocol, the more comprehensive the requests had become. First they had requested the suspension of installation, then of the manufacture of all

components, and finally they had gone so far as to request that Iran suspend all R&D. No Iranian was allowed even to think about centrifuges, enrichment or nuclear technology. That was humiliating for a country with an ancient and rich history of scientific and technological development.

68. He stressed that there was a distinction between the absence of undeclared nuclear activities and routine safeguards. Many countries, including some European ones, had not received Agency certification of the absence of undeclared nuclear activities. If safeguards were implemented as a routine matter and everything returned to normal, Iran would of course cooperate in assuring the world that there were no undeclared nuclear materials or facilities in Iran.

69. The CHAIRMAN, summing up the discussion, said that the Board had taken note with appreciation of the Director General's report on the 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, contained in document GOV/2008/38. The Board had commended the Director General and the Secretariat for their continuous professional, technical and impartial efforts related to the verification of Iran's nuclear programme.

70. Several members had expressed serious concern that the Agency was still not in a position to determine the nature of Iran's nuclear programme despite more than five years of intensive efforts by the Agency and had noted the Agency's statement that there remained a number of outstanding issues, identified in the Director General's report, which gave rise to concerns about possible military dimensions to Iran's nuclear programme. They had shared the Agency's view that the alleged studies on the green salt project, high explosives testing and the missile re-entry vehicle remained a matter of serious concern.

71. Several members had noted the Director General's statement that, although Iran had so far produced only limited quantities of LEU, that was a cause of concern for the international community in the absence of full clarity about Iran's past and present nuclear programme.

72. Several members had welcomed Iran's willingness to engage in reviewing the Agency's questions related to the alleged studies.

73. However, several members had underlined the Agency's view that Iran's clarification regarding the alleged studies was critical to an assessment of the nature of Iran's past and present nuclear programme. Several members had noted that the information regarding the alleged studies, provided to the Agency by several Member States, appeared to have been derived from multiple sources over different periods in time, was detailed in content, and appeared to be generally consistent. They had also noted that Iran's rejection of such information as having been forged or fabricated was not acceptable. Several members had noted with concern the Agency's view that Iran might have additional information, in particular on high explosives testing and missile related activities, which could shed more light on those important questions. They had regretted that Iran had not provided the Agency with all the information and access to documents and individuals necessary to support Iran's statements.

74. Several other members had expressed the view that, in dealing with issues relating to the alleged studies, there could be concerns that that was not a core competence of the Agency and they had expected that, in clarifying those issues, including issues such as high explosives testing and the missile re-entry vehicle, the Agency would act in accordance with the Statute.

75. Several members had noted the Director General's report that the Agency had received much of the information related to the issue of the alleged studies only in electronic form and that it had unfortunately not been authorized to provide copies to Iran. They had considered that as a matter of concern which could impede the verification process and had noted that, although the Secretariat was

unable to provide some of the related documents, Iran had cooperated by providing information on those issues. Several members had supported the statement of the Director General that the States which had provided the Agency with documentation related to the alleged studies should authorize the Agency to share it with Iran.

76. Several members had recalled the assessment of the Agency that all declared nuclear material in Iran had been accounted for, while recognizing that the Agency's work on drawing a conclusion with regard to the absence of undeclared material and activities in Iran was an ongoing and time consuming process. They had noted that the Agency had not found indications of ongoing reprocessing activities in Iran.

77. Several members had expressed the view that all outstanding issues had been resolved and that, considering the rounds of intensive discussions on the issue of alleged studies, they expected that safeguards implementation in Iran should be conducted in a routine manner.

78. Several members had noted the Agency's statement that, in order for it to be able to provide assurances regarding the absence of undeclared nuclear material and activities, Iran needed to implement the additional protocol, resolve questions related to the alleged studies, provide more information on the circumstances of the acquisition of the uranium metal document, clarify procurement and R&D activities of military related institutes and companies that could be nuclear related, and clarify the production of nuclear equipment and components by companies belonging to defence industries.

79. Several members had emphasized that carrying out those actions and the transparency measures requested by the Agency would constitute an important element to build confidence in the peaceful nature of Iran's nuclear programme.

80. Several other members had underlined the statement of the Agency that it had not detected the actual use of nuclear material in connection with the alleged studies and that it had no information — apart from the uranium metal document — on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon.

81. Several members had noted with concern that no progress had been made on the Agency's request to Iran that it reconsider its decision to suspend the implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part, and had underlined that the Subsidiary Arrangements could not be suspended or amended unilaterally. They had called on Iran to reconsider its decision. While noting that the Agency had been able to implement the necessary safeguards measures in time, they were concerned that Iran had failed to inform the Agency within the time frame envisaged in Code 3.1.

82. Several members had expressed serious concern that Iran had not complied with the previous requests of the Board and the obligations established by the Security Council in resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) and that, on the contrary, Iran had been further increasing its enrichment capacities and capabilities and working on heavy water reactor related projects. They had urged Iran to implement the measures contained in those resolutions, in particular those related to the suspension of all enrichment related activities. They had recalled in that regard that the Security Council had expressed its intention in those resolutions to adopt further appropriate measures under Article 41, Chapter VII of the United Nations Charter should Iran continue in its failure to suspend enrichment related activities.

83. Several members had recalled the conclusions adopted by the European Council in December 2007, to the effect that the acquisition by Iran of a military nuclear capability would be unacceptable.

84. Members had reaffirmed the basic and inalienable right of all Member States to develop nuclear energy for peaceful purposes in conformity with their respective legal obligations. Several had emphasized the distinction between voluntary confidence building measures and legally binding safeguards obligations. It had been noted that the call on Iran to suspend enrichment was not a goal in itself but was for reasons of building confidence and should not be used as a pretext for the imposition of indefinite suspension or termination.

85. They had also reiterated their support for the establishment of a nuclear-weapon-free zone in the region of the Middle East. They had stated that any attack or threat of attack against peaceful nuclear facilities would pose a great danger and constitute a grave violation of international law.

86. Several members had emphasized that the Agency was the sole competent authority for nuclear verification in connection with the NPT and that the Agency should continue its work towards the resolution of the Iranian nuclear issue. They had expressed their rejection of any undue pressure on or interference in the Agency's activities, especially in its verification activities, which could jeopardize its efficiency and credibility, and had reiterated their full confidence in the impartiality and professionalism of the Secretariat and of the Director General.

87. The continued need for substantive and comprehensive negotiations and dialogue among all relevant parties covering all relevant issues, as had been stressed by the Security Council, had been emphasized as the way to reach a long-term solution of the Iranian nuclear issue. The revised package proposal of the six countries, with the support of the EU High Representative, as well as proposals presented by Iran, had been regarded as a good basis for that.

88. The Board had requested the Director General to continue keeping it informed of developments as appropriate.

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

90. It was so decided.

91. The CHAIRMAN noted that there had been a request to make public the report of the Director General, contained in document GOV/2008/38, and asked whether that was agreeable to the Board.

92. It was so decided.

(e) Implementation of the NPT safeguards agreement of the Socialist People's Libyan Arab Jamahiriya
(GOV/2008/39, GOV/2008/51/Rev.2)

93. The CHAIRMAN said that the document before the Board summarized the results of the Agency's verification activities since August 2004 and provided an overview of Libya's past nuclear programme. The report had also been the subject of a briefing by the Secretariat which had been held on 16 September. On 22 September, the delegations of the United Kingdom and the United States of America had submitted a draft resolution on the question for consideration by the Board. A revised version of the draft resolution had just been circulated in document GOV/2008/51/Rev.2.

94. Mr SMITH (United Kingdom), introducing the draft resolution contained in document GOV/2008/51/Rev.2, said that his delegation warmly welcomed the report of the Director General on the implementation of the NPT safeguards agreement of the Socialist People's Libyan Arab Jamahiriya, contained in document GOV/2008/39, and noted with satisfaction the report's confirmation that, following Libya's disclosure in December 2003 of its undeclared nuclear activities, it had adopted a policy of full transparency with the Agency. His country welcomed the fact that, as

noted in the report, Libya had implemented the additional protocol to its safeguards agreement, which had entered into force in August 2006, and since that time had provided the Agency with unrestricted and prompt access, beyond that required under its safeguards agreement, to those locations, information and individuals deemed necessary to the Agency to fulfil its verification requirements.

95. As a result of those and other findings in the report, the Agency would henceforth be able to implement safeguards in Libya as a routine matter and work to reach a conclusion about the absence of undeclared nuclear material and activities in that country.

96. The report highlighted the results so far of a fruitful working partnership between Libya and the Agency based on a substantial and productive level of transparency and cooperation. His delegation was confident that that spirit of transparency and cooperation would be an important element as the Agency continued its work with Libya. In light of the above, his delegation believed the time was right for the Board to put on record its appreciation of the progress highlighted in the report. For that reason, the United Kingdom, together with the United States of America, had prepared a short draft resolution, contained in GOV/2008/51/Rev.2, which took into account comments received from other Member States and regional groups.

97. He drew attention to two minor changes in the draft resolution. In preambular paragraph (c), the word “and” should be inserted after “Safeguards Agreement,” and in operative paragraph 2, the words “regard and” should be replaced by “regard, notes”. His delegation hoped that the resolution would meet with the approval of the Board and that it could be adopted by consensus.

98. The CHAIRMAN asked whether the Board agreed to adopt the draft resolution with those two oral amendments.

99. It was so decided.

100. Mr DENIAU (France), speaking on behalf of the EU, 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, and the Republic of Moldova and Ukraine, said that Libya had been one of, fortunately, very few countries which had violated their international non-proliferation commitments and had conducted clandestine activities for military purposes. However, in 2003 it had had the wisdom and courage not only to abandon its programme, which had constituted a threat to peace and security, but also to eliminate the relevant material, equipment and programmes and to allow the Agency to conduct verification, including by implementing an additional protocol and accepting transparency above and beyond its obligations.

101. Libya had thus cooperated with the Agency, enabling it to apply safeguards to its nuclear activities and allowing it to conduct the necessary investigations to cast light on the clandestine programme. Consequently, the Agency was now in a position to give an assurance that the nuclear materials declared by Libya had not been diverted and to conclude that the questions which had been brought to the attention of the Security Council were no longer outstanding. The EU noted that the Secretariat could now apply safeguards as a routine matter. Accordingly, the EU endorsed the draft resolution submitted by the United States of America and the United Kingdom and just adopted by the Board. However, since a definitive reply had still not been given to a number of questions, the EU encouraged Libya and the Secretariat to continue their cooperation so that the Agency could reach a conclusion as soon as possible about the absence of undeclared activities.

102. Libya should be given credit for its policy of peace and transparency, which contributed to strengthening the global non-proliferation regime. It showed that cooperation and respect for

commitments undertaken always constituted the best option for the benefit and security of all. Also, it demonstrated the irreplaceable nature and effectiveness of Agency safeguards, in the form of a comprehensive safeguards agreement together with an additional protocol, and of cooperation in good faith by the countries concerned with the Agency. In that connection, the EU thanked the Director General and the Secretariat for their impartial and professional work.

103. The Agency's investigations had also shed light on the clandestine networks which disseminated information and technologies relating to sensitive activities, including nuclear weapon design. That was a particularly alarming matter. The EU recalled that, in accordance with Security Council resolution 1540, it was the responsibility of each State to take the necessary measures to prevent and punish illicit nuclear transfers.

104. Ms GOICOCHEA ESTENOZ (Cuba)*, speaking on behalf of NAM, recalled that at the March 2004 session of the Board of Governors NAM had welcomed Libya's voluntary decision to eliminate materials, equipment and programmes which might lead to the production of internationally proscribed weapons. That had been an important contribution to realizing the objective of a zone free of weapons of mass destruction in the Middle East.

105. NAM took note that the Director General had reported in his introductory statement that since December 2003 Libya had been implementing the additional protocol to its safeguards agreement, which had entered into force in August 2006. It also took note that the Agency continued to provide assurances that no declared material in Libya had been diverted, that it considered that the issues reported to the Board were no longer outstanding and that it would continue to implement safeguards in Libya as a routine matter.

106. In a plenary meeting held the day before, NAM had expressed its firm rejection of the procedure followed by the States proposing a resolution on Libya. It had stressed that it was unacceptable that a draft text should be distributed without NAM being able to take a position on it. NAM had subsequently been consulted on the resolution. NAM acknowledged that positive development and reaffirmed its readiness to take part in all negotiations in a spirit of good will, cooperation and mutual respect.

107. Mr SCHULTE (United States of America) welcomed the Director General's report of 12 September 2008 on the implementation of safeguards in Libya and recommended that it be made available to the public through the Agency's website. In particular, his delegation welcomed the Secretariat's assessment regarding its special investigation of previously undeclared nuclear activities in Libya and supported the Secretariat's decision, in light of that assessment, to return to routine implementation of safeguards in Libya, including routine efforts to draw an initial safeguards conclusion under the additional protocol. That was good news for the Agency's verification regime, good news for the NPT and, not least, good news for Libya's membership in the community of nations.

108. Earlier in the month, Secretary Rice had travelled to Libya, the first such trip by a United States Secretary of State in over 50 years. That historic trip marked a major milestone in the evolving relations between the two countries, which had changed enormously over the past five years, as had Libya's position in the international community. The two countries were well on the way to full diplomatic relations.

109. Libya's 2003 decisions to discontinue its programmes of weapons of mass destruction and to renounce terrorism had created an opportunity to break with the international isolation that could perpetuate economic stagnation, underdevelopment and political instability. Instead, Libya had begun a new era of leadership in Africa, experienced unprecedented economic growth, increased foreign direct investment, invested in critical infrastructure and initiated a public discourse on political reform.

110. His Government looked forward to fully resolving past issues and focusing on the future. One major initiative related to the work of the Agency was a partnership between the two countries to establish a regional nuclear medicine centre in Libya. United States and Libyan experts had already begun detailed strategic planning on that joint project, which Agency experts had helped shape. The nuclear medicine centre would be a tangible expression of the benefits, including those related to the peaceful application of nuclear energy, that were a direct result of Libya's decisions to turn away from weapons of mass destruction and provide full transparency to the Agency.

111. The United States had joined the United Kingdom in sponsoring the consensus resolution just adopted by the Board. It had put forward the resolution because it was only right and appropriate that the Board should welcome and endorse a development as important as the Agency's return to routine safeguards after a significant non-compliance issue had been resolved. In that connection, a statement in the Director General's report set a standard to be emulated in redressing non-compliance concerns, namely that Libya had "provided the Agency unrestricted and prompt access, beyond that required under its Safeguards Agreement and Additional Protocol, to those locations, information and individuals deemed necessary by the Agency to fulfil its verification requirements".

112. It was that policy of full transparency on Libya's part that provided the basis for the 'good news' story before the Board. It was to be hoped that all current or future cases of non-compliance would be informed by the outcome of the Libyan case, an outcome assured by that policy of full transparency.

113. The United States of America reiterated its congratulations to Libya and to the Secretariat and looked forward to Libya's continued engagement with the Secretariat.

114. Mr SHANNON (Australia) welcomed the Director General's report on the implementation of safeguards in Libya, and the cooperation between Libya and the Secretariat over several years to clarify issues identified as needing further investigation. Australia noted that the Agency had not been able to reconstruct fully some aspects of Libya's past nuclear programme, but welcomed the conclusion that Libya's statements concerning it were not inconsistent with the Agency's findings. Australia looked forward to the Agency's broader conclusion about the absence of undeclared nuclear material and activities in Libya.

115. He observed that the transactions made by Libya and Iran with the clandestine supply network were now a matter of public record, but noted the stark contrast between Libya and Iran in that regard. In late 2003, Libya had made a strategic decision that had fundamentally changed the course of its relations with the international community, publicly renouncing its weapons of mass destruction programmes, disclosing its undeclared activities and announcing a policy of full transparency. It had quickly implemented its additional protocol and provided the Agency with unrestricted and prompt access, beyond its legal obligations, to locations, information and individuals deemed necessary by the Agency to verify the cessation of military nuclear programmes. Safeguards were now being implemented in Libya in a routine manner. While the Board had fulfilled its statutory requirements by reporting Libya's non-compliance to the Security Council, the Council had, in view of Libya's policy of transparency and cooperation, seen no need to act. Instead of sanctions, Libya was reaping the benefits of constructive international relationships.

116. Australia commended Libya on its positive actions to restore international confidence. He noted that it was not too late for Iran to embark on the same course.

117. Australia shared the Secretariat's serious concern regarding the possession by the clandestine supply network of proliferation-sensitive information in electronic form. Governments had to maintain the utmost vigilance to prevent the further dissemination of such information and to ensure they were observing Articles I and II of the NPT. Member States should cooperate with the Agency in its

continued investigation of the network and consider involvement in its procurement outreach programme. He noted that the Agency had now become one of the world's foremost authorities on the A.Q. Khan network and that his country would welcome a report summarizing its findings.

118. Mr MARFURT (Switzerland) noted that, in most of the areas verified by the Agency, it had concluded that Libya's declarations were consistent or not inconsistent with its findings. Such an assessment applied to activities related to enrichment, conversion, other aspects of the nuclear fuel cycle, reactors, quantities of nuclear material imported and the contamination of certain equipment and sites. The Agency had also verified the non-diversion of declared nuclear material in Libya. The Agency had noted that, for various reasons, it could not fully reconstruct certain aspects of the programme related to weapons. However, the Agency had concluded that Libya did not have the capability necessary to manufacture nuclear weapon components, and that it had not found any indication of work related to nuclear weapon development. Thus the Agency believed that the issues previously brought to the Board's attention were no longer outstanding and that safeguards could now be implemented in a routine manner in Libya with a view to reaching a conclusion about the absence of undeclared nuclear material and activities.

119. Switzerland welcomed the cooperation between Libya and the Agency since December 2003. Since then Libya had been implementing its additional protocol and had fulfilled the Agency's requests, even going beyond its legal obligations.

120. Switzerland thanked the Agency for its work and supported the view that safeguards could now be implemented in a routine manner in Libya.

121. Mr AMANO (Japan) also expressed appreciation of Libya's cooperation with the Agency, including its granting of unrestricted and prompt access, beyond that required under its safeguards agreement and additional protocol, to those locations, information and individuals deemed necessary by the Agency to fulfil its verification requirements.

122. Japan hoped that the Agency would continue to receive full cooperation from Libya and looked forward to the Agency's conclusions regarding the absence of undeclared nuclear material and activities there.

123. Ms FEROUKHI (Algeria) said her country had welcomed the decision taken by the Libyan authorities to renounce the military option of their nuclear programme and follow an exclusively peaceful path. She welcomed the resolution just adopted in support of the routine application of safeguards in Libya. Similarly, she welcomed Libya's compliance with the provisions of the NPT and with its obligations under its safeguards agreement, and the additional protocol thereto which had entered into force in 2006.

124. The recent changes in Libya were a positive signal for cooperative international disarmament and non-proliferation efforts, which Algeria had constantly supported to consolidate peace and security. Those developments had also contributed to the strengthening of civil nuclear applications for socio-economic development in the countries of North Africa, and furthermore had strengthened the authority of the NPT and the role of the Agency in verifying the peaceful nature of Member States' nuclear programmes and activities.

125. The peaceful resolution of the Libyan nuclear issue was also in line with the objective of implementing the recommendations of the 1995 and 2000 NPT Review Conferences and relevant resolutions of the General Assembly and Security Council, advocating the application of Agency safeguards to all nuclear facilities in all countries in the Middle East without exception and the creation of a nuclear-weapon-free zone in the region.

126. Mr GUMBI (South Africa) shared the Director General's concern regarding the substantial amount of sensitive information related to the fabrication of a nuclear weapon that was available to members of the clandestine supply network. The availability of documentation related to HEU reconversion, casting and machining, and the testing of nuclear weapon components, found in the possession of some members of the network, remained a matter of particular concern.

127. He recalled South Africa's own experience with the network, which had led to the pleas of guilty and the convictions of Mr Visser and Mr Geiges in November 2007 and March 2008, respectively. That experience illustrated the Agency's central role, not only in verification, but also in providing the necessary technical and other support that had enabled South Africa to bring such landmark cases to a close. Success in the elimination of illicit networks was highly dependent on the successful prosecution of all the actors involved, which required a concerted effort by all the countries concerned. His delegation called upon Member States to come forward with information and to work closely with the Agency in that regard.

128. South Africa commended the Socialist People's Libyan Arab Jamahiriya for its close and full cooperation with the Agency by giving access to all information, locations and persons deemed necessary by the Agency. Such forthcoming and committed cooperation, which had set the standard in dealing with such safeguards clarifications, should be taken as an example by all Member States in order to strengthen non-proliferation.

129. Mr BAAH-DUODU (Ghana) took note of the honest and transparent manner in which Libya had taken concrete actions to remedy its non-compliance with the NPT, including through implementation of its additional protocol and cooperation with the Agency. That had resulted in the Agency's decision henceforth to implement safeguards in Libya in a routine manner.

130. Having itself signed an additional protocol to its safeguards agreement, Ghana believed that as more countries signed and implemented additional protocols, the more secure the world would become. Ghana congratulated Libya on its voluntary decision and the Secretariat on its professional work.

131. Mr SHAHBAZ (Pakistan) recalled that the Agency was on record as having informed the international community that individuals and entities from more than 20 countries spread across four continents were involved in the activities of the clandestine supply network. He noted that the Director General had indicated that such information might only be the tip of the iceberg. It was therefore in the collective interest of Member States to prevent such networks from functioning. Pakistan, which had done and was doing what was required of it, expected and called upon other countries whose nationals were involved in proliferation activities to do the same.

132. Following disclosures regarding the involvement of certain Pakistani citizens in clandestine nuclear proliferation, the Government of Pakistan had thoroughly investigated the matter and shared its findings with the Agency and relevant countries. Those investigations had been the key to exposing the network's international associates. Pakistan's continuing cooperation with the Agency in that regard had been acknowledged and appreciated by the Director General and had enabled the Agency to resolve outstanding issues in various cases.

133. Pakistani citizens involved in clandestine supply network activities had been placed under strict restrictions, which continued. His country's investigations had substantiated that no government, past or present, and no government institution had been involved in the authorization of illicit transfers of sensitive equipment and technology.

134. He noted that the report contained in document GOV/2008/39 included numerous references to the clandestine supply network and referred to its members as "individuals involved", "intermediary"

or “intermediaries”, “expert” or “foreign expert”, or as “member” or “members”. Even a cursory look at the report showed that those individuals belonged to different countries and possibly to different networks.

135. Thus, the report was a clear vindication of Pakistan’s previously stated position that the network’s key members belonged to more than two dozen countries and that it was not appropriate to downplay the extent and scope of the nuclear black market by focusing exclusively on the activities of just one individual in any one country. It was disturbing to see that such trends were creeping into the Agency’s reports, which enjoyed a high degree of credibility. To mention only one individual by name while disguising the identities of others through the use of euphemisms neither served the cause of non-proliferation nor met the standards of impartiality and non-discrimination expected of the Agency. A high degree of caution and an even-handed approach was therefore necessary and must be exercised.

136. Mr KIM Sung-Hwan (Republic of Korea)* welcomed the Agency’s conclusion about the non-diversion of declared nuclear material and activities in Libya and noted the Agency’s confirmation that Libya’s statements concerning its nuclear programme were not inconsistent with the information available to and verified by the Agency.

137. His country commended Libya on its full cooperation with the Agency since the beginning of verification activities following its December 2003 declaration. It took note that Libya had provided full transparency by allowing the Agency unrestricted and prompt access beyond that required under its safeguards agreement and additional protocol.

138. The steps taken by Libya had facilitated the Agency’s verification efforts and reduced the amount of time required for the Agency to reach a positive conclusion. Libya had made the right choice in deciding that possessing nuclear weapons would not guarantee its security.

139. His country supported the Agency’s continued implementation of safeguards in Libya in a routine manner and hoped that a broader conclusion about the absence of undeclared nuclear material and activities would be reached in due course.

140. The revelations regarding the nuclear smuggling network in 2004 had brought home to the whole world the very real possibility of sensitive nuclear technology falling into the wrong hands. Nuclear terrorism remained one of the most serious threats to the whole international community.

141. His country shared the concern that much of the sensitive information coming from the network existed in electronic form, enabling easier use and dissemination. It reiterated its strong support for the Agency’s continued investigations, in line with its mandate, into the network’s activities.

142. Mr GASHUT (Socialist People’s Libyan Arab Jamahiriya)* said that his country, through its bold, voluntary initiative, had acted to support a world free of nuclear weapons and had set a new model for world politics that was rooted in dialogue and mutual respect and based on common interest. Thus, it had demonstrated that dialogue was the correct policy with which to solve all international differences and problems, while policies of intimidation could lead only to further tension and divergence. Libya’s actions thus merited a reward from the international community.

143. Since its declaration in December 2003, Libya had promised the international community that it would provide full transparency in cooperating with the Agency. In doing so, it had helped the Agency to form a comprehensive and coherent understanding of Libya’s nuclear activities and had strengthened the international community’s confidence in Libya. As a result, the Board of Governors had approved the Agency’s conclusion that there were no further outstanding issues to be addressed and that the Agency could continue with the implementation of safeguards in Libya as a routine matter.

144. Libya affirmed that it would continue its cooperation with the Agency in its work in fulfilment of its Statute. He underlined that all States had the right to the peaceful use of nuclear energy and he called upon all countries not to impose any restrictions on the transfer of technology in that respect, in accordance with the Agency's Statute and the provisions of the NPT.

145. In conclusion, his delegation extended its particular gratitude to the Arab Group, the African Group, and the NAM chapter in Vienna for their support throughout the period when the item relating to Libya had appeared on the Board's agenda. He also thanked all the Member States which had helped Libya to undertake its obligations in accordance with its voluntary decision, in particular the United States of America and the United Kingdom.

146. The CHAIRMAN took it that the Board agreed to requests to make public the report of the Director General contained in document GOV/2008/39.

147. It was so decided.

148. The CHAIRMAN noted that, while all sub-items under item 9 had now been concluded, there were still further speakers on other business related to nuclear verification.

149. Mr SCHULTE (United States of America) expressed regret that, as noted in the Director General's opening statement³, the Syrian Arab Republic had not yet demonstrated the level of cooperation and transparency requested by the Agency to take forward its investigation. His country joined other Board members in urging Syria to cooperate fully in allowing the Agency to complete its verification work without limitation or precondition.

150. The United States remained confident of information provided to the Secretariat in April 2008 regarding an undeclared nuclear reactor that Syria had been constructing in its eastern desert at Al-Kibar. The reactor had been being built with assistance from the DPRK and had been of the same type as that built by the DPRK at Yongbyon and used to produce plutonium for the DPRK's nuclear weapons. Such a reactor was well suited to plutonium production, which appeared to have been its intended purpose since it was not configured for power production, was isolated from any civilian population and was ill suited for research.

151. Syria's failure to cooperate with inspectors in a full and timely manner was a matter of serious concern, which was compounded by imagery showing that Syria had taken measures to conceal its activities at Al-Kibar throughout the lifetime of the reactor project and beyond. For example, Syria had buried the cooling pipes to and from the Euphrates and altered the exterior of the reactor building to disguise its similarity to the Yongbyon facility. Following the reactor's destruction, Syria had gone to great lengths to clean up the site and destroy evidence of what had existed. Despite the Director General's repeated requests, Syria had not allowed inspectors to visit the site until June 2008.

152. The United States had provided members of the Board with imagery showing that, on 10 October 2007, Syria had conducted a controlled demolition of the reactor debris and had then begun the prompt removal of equipment and debris from the site. Much of the work had taken place at night or under cover of tarpaulins. By December 2007, Syria had constructed a large building over the location where the reactor had once stood.

153. Syria's concealment efforts, combined with the limits it had placed on the Agency's investigation, raised questions as to what Syria had to hide and whether the international community could be confident that there were no other undeclared activities.

³ See GOV/OR.1215 para. 25.

154. The existence of undisclosed nuclear facilities in Syria further underlined the limitations of the Agency in a country with a comprehensive safeguards agreement but without an additional protocol. The Model Additional Protocol had been developed to give the Agency the tools it needed to provide assurances that a country's declaration was both correct and complete and that a State's nuclear programme was exclusively for peaceful purposes. His delegation called upon Syria and all States that had not yet done so to sign and implement fully an additional protocol.

155. Transparency and engagement with the Agency were an essential test of the legitimacy of a State's civil nuclear programme. Syria had thus far failed that test.

156. The United States looked forward to a comprehensive written report for the November meeting of the Board of Governors detailing the status of the Agency's investigation in Syria.

157. The Director General had said in his opening statement that further developments with regard to the issue would depend on the results of the samples taken during the Agency's visit to Al-Kibar. In the light of the conditions placed by Syria on further cooperation, he asked the Secretariat what impact a null finding from those samples would have on the outstanding questions related to Syria's nuclear activities.

158. Mr MARFURT (Switzerland) took note from the Director General's oral report on the implementation of safeguards in the Syrian Arab Republic that the Agency had been able to conduct an inspection of the Al-Kibar site in 2008 and that the first results from that visit gave no indication of nuclear material. He also noted that the Agency had indicated its need for access to additional information and locations, a request to which Syria had not yet responded.

159. Switzerland supported the Agency as the only authority competent to certify the compliance of States Party to the NPT with their safeguards agreements. Therefore, it encouraged Syria to continue to cooperate with the Agency and consider favourably the Agency's aforementioned requests. To facilitate the work of the Agency, his delegation also requested that all States with relevant information share it with the Agency.

The meeting rose at 6 p.m.