

IAEA Board of Governors

Record of the 1222<sup>nd</sup> Meeting  
GOV/OR.1222

Other matters arising from the fifty-first regular session of the General Conference:  
Application of IAEA safeguards in the Middle East

Any other business

# Board of Governors

**GOV/OR.1222**

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## Record of the 1222<sup>nd</sup> Meeting

*Held at Headquarters, Vienna, on Thursday, 25 September 2008, at 3.10 p.m.*

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<sup>1</sup> 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 KHELIFI		Argentina
Mr CURIA		Australia
Mr SHANNON		Austria
Mr BÖCK		Bolivia
Mr BAZOBERRY		Brazil
Mr VALLIM GUERREIRO		Canada
Ms GERVAIS-VIDRICAIRE		Chile
Mr LAGOS KOLLER		China
Mr TANG Guoqiang		Croatia
Mr HORVATIC		Ecuador
Mr STACEY MORENO		Ethiopia
Mr KEBEDE		Finland
Ms KAUPPI		France
Mr CARON		Germany
Mr LÜDEKING		Ghana
Mr BAAH-DUODU		India
Mr KUMAR		}
Mr ALSHARIA		
Mr AYOUB		Italy
Mr BAIANO		Japan
Mr AMANO		Lithuania
Mr MAKSIMOVAS		Mexico
Mr CANCHOLA GUTIERREZ		Morocco
Mr ZNIBER		Nigeria
Mr EDOKPA		Pakistan
Mr SHAHBAZ		Philippines
Ms LACANLALE		Russian Federation
Mr BERDENNIKOV		Saudi Arabia
Mr AL-SUWAYIEL		South Africa
Mr GUMBI		Switzerland
Mr MARFURT		Thailand
Mr PANUPONG		United Kingdom of Great Britain and Northern Ireland
Mr SMITH		United States of America
Mr SCHULTE		
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, Azerbaijan, Belgium, Colombia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Greece, Hungary, Indonesia, Islamic Republic of Iran, Israel, Jordan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Malaysia, Malta, Namibia, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Romania, Singapore, Slovenia, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Uruguay, Uzbekistan, Bolivarian Republic of Venezuela, Yemen, Zimbabwe.

**Abbreviations used in this record:**

AIPS	Agency-wide Information System for Programme Support
ASEAN	Association of Southeast Asian Nations
EU	European Union
G8	Group of Eight
DPRK	Democratic People's Republic of Korea
INPRO	International Project on Innovative Nuclear Reactors and Fuel Cycles
IPSAS	International Public Sector Accounting Standards
NAM	Non-Aligned Movement
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NTI	Nuclear Threat Initiative
NWFZ	nuclear-weapon-free zone
NWS	nuclear-weapon State
Pelindaba Treaty	African Nuclear-Weapon-Free Zone Treaty
R&D	research and development
SIT	sterile insect technique
TCF	Technical Cooperation Fund

## **10. Report of the Commission of Eminent Persons on the future of the Agency (continued)** (GOV/2008/22)

1. Mr LAGOS KOLLER (Chile) welcomed the Director General's valuable initiative to establish the Commission of Eminent Persons to help clarify the new challenges facing the Agency and the issues for future discussions among Member States, which would be setting the priorities for the Agency's work up to 2020 and beyond.
2. The Agency must adapt to a changing global reality. At the same time, however, it was important to preserve a balance among its statutory functions. The Commission's report addressed diverse and complex matters. Although not an official document for approval by the Board, its findings would serve as a good starting point and guide for discussion.
3. He endorsed the importance the Commission had attached to the Agency's activities in the face of growing interest in nuclear power, while noting the reservations expressed by some Commission members about the predominantly positive vision of nuclear power. Chile had yet to take a decision in that respect, but was studying the feasibility of adding nuclear power to its energy mix.
4. Noting the importance the Commission had placed on the Agency's safeguards activities, he agreed that, as one of the pillars of the Agency's Statute, they should be supported and strengthened in order to be able to meet the changing challenges of the safeguards and non-proliferation regime. That could best be achieved by strengthening international legal instruments on verification and through greater political commitment by States.
5. The emphasis on safeguards activities should not result in any weakening of the Agency's promotional activities. Technical cooperation activities should be maintained and strengthened but not in the traditional manner, with a few prosperous States aiding a large number of developing countries, which encouraged a dependent and subordinate relationship among them. Instead, support should be given to those Agency activities that contributed to the real development of States and the well-being of their people, strengthening the capabilities and competencies of developing countries through knowledge and technology transfer. Increased development would also translate into greater responsibility. Countries that managed to overcome underdevelopment would become provider States for technical assistance. As such, the best investment that donor countries could make was to support knowledge and technology transfer through the technical cooperation programme.
6. With regard to assured nuclear fuel supply and the possible role of the Agency in such a system, he expressed the view that the matter, which still required in-depth analysis by Member States, should not create a new division between provider and recipient States. Taking note of the mechanism proposed by the Director General, and the other proposals put forward, he said Chile would collaborate in finding the best solution.
7. Mr STACEY MORENO (Ecuador) said the report of the Commission of Eminent Persons contained a number of proposals and ideas that could serve as a reference for Member States and the Board to discuss how the Agency could continue to meet its objectives with efficiency and impartiality.
8. The Commission had aimed for an exhaustive analysis of the Agency's main tasks. It was, however, important to underline the need for an appropriate balance among the various pillars of the

Agency's activities, particularly with regard to cooperation activities, and also the role of the Agency in achieving the United Nations Millennium Development Goals.

9. Also important was the need to encourage the use of nuclear energy, among other forms of clean energy, for the purpose of electricity generation. At the same time, other applications of nuclear technology should be promoted to allow more countries to benefit from them. Ecuador endorsed the Commission's recognition of the need to enlarge the contribution of nuclear applications to human well-being and, in that context, to increase the Agency's budget substantially for technical cooperation activities, especially those aimed at agricultural development with a view to food security. To that end, maintaining and strengthening the Agency's infrastructure, as well as its strategic partnerships with other organizations, would be essential.

10. Ecuador supported strengthening of the safeguards system so that the Agency could provide the international community with assurances that nuclear material, technologies and infrastructure in Member States were being used exclusively for peaceful purposes. The Agency's work in that area should not, however, be to the detriment of technical cooperation or to the inalienable right of countries to benefit from nuclear technologies.

11. His delegation also supported the Agency's work in strengthening global nuclear security, an area in which it played a key role. It particularly valued the collaboration and assistance the Agency provided to Member States, especially developing countries, in establishing national infrastructure and institutional capability with a view to promoting a global nuclear safety culture.

12. Ms LACANLALE (Philippines) commended the Director General for his timely initiative to draw up a road map for the Agency to 2020 and beyond. It would help ensure the Agency's relevance in the coming decades. The report of the Commission of Eminent Persons would serve as a good basis for discussion.

13. In addition to the four strong partnerships that the Commission had identified as necessary for a reinvigorated nuclear order, another was required: a partnership among nuclear-weapon States, de facto nuclear-weapon States and even some States which were strongly believed to have nuclear weapons. That fifth partnership was necessary to ensure that those countries did not provoke their neighbours or cause them to fear for their security and thus feel the need to acquire nuclear weapons. Such partnerships, including substantial progress towards disarmament, were important in achieving a reinforced global nuclear order.

14. The renaissance of nuclear energy in the next two decades was an overarching force that would create both opportunities and challenges for Member States and the Agency. Areas which must be addressed included: training a new generation of human resources; designing reactors that were safe, secure, economical and proliferation-resistant; assured supplies of nuclear fuel; radioactive waste management, including disposal; effective and quick radiological emergency response systems; and public acceptance. Regional cooperation in those areas should be strengthened.

15. The Agency should also forge stronger links with relevant regional organizations such as ASEAN, which had declared nuclear power to be part of its member countries' energy mix. Also, programmes such as INPRO should be continued. Nuclear knowledge management was another important area, particularly the transfer of knowledge from the ageing workforce to a new generation of nuclear experts.

16. The Agency's activities for nuclear applications and technical cooperation should have been given more prominence in the Commission's report. Enlarging the contribution of nuclear applications was important not only for their benefits to human well-being, but also in terms of the concept of

universality of benefit to Member States. Expanding the Agency's mandate in that regard would strengthen developing countries' support for the Agency.

17. Enhanced nuclear R&D was necessary for generating new technologies and techniques with unique advantages over conventional techniques. The transfer of nuclear technology to developing countries was essential so that those countries could benefit from nuclear technology, and her country supported the strengthening of regional agreements in that respect. Technical cooperation among developing countries as a strategy in technology transfer should also be supported.

18. The Philippines attached importance to the Commission's recommendations concerning the strengthening of safeguards, particularly the need for full-scope safeguards, the acceptance of additional protocols and improving implementation of Security Council resolution 1540 (2004) regarding the non-proliferation of weapons of mass destruction. While Member States had sole responsibility for ensuring the safe and secure use of nuclear technology, the Agency nevertheless had an important role to play in helping Member States strengthen their capabilities to address those issues.

19. The Agency should be provided with considerably more resources by its Member States to enable it to accomplish its duties properly. Noting the Commission's recommendation that recipient States should pay some portion of the costs of technical cooperation on a sliding scale based on ability to pay, she said if such a measure were to be adopted, the same principle could be applied to the Agency's safeguards and security activities. Serious consideration should also be given to the payment principles for users and suppliers for the financing of safeguards in the long term. In the past, Member States had, with good reason, focused largely on efficiency and savings. However, in her delegation's view, more focus should be given to the effectiveness with which the Agency delivered the services required by Member States and the international community.

20. Member States should have more opportunity to discuss the Commission's report in depth. She supported the proposal of the Director General in his introductory statement to have a structured discussion of it through issue-specific groups, with a view to making recommendations to the Board.

21. Mr BÖCK (Austria) said that the report issued by the Commission of Eminent Persons reflected a wide range of perspectives and opinions on the perceived benefits and actual risks of nuclear technology. Austria, like others, believed that the risks far outweighed the advantages of nuclear energy. In view of the high environmental and financial costs over time and the lack of a sustainable solution for the nuclear waste problem, Austria did not consider that nuclear energy could make a sustainable contribution to efforts to combat climate change. However, Austria acknowledged the global rise in energy demand and the right of every State to choose its energy sources.

22. The proliferation risks associated with a possible worldwide nuclear renaissance, the existence of clandestine supplier networks, the production of dirty bombs by terrorists and the clandestine development of programmes for weapons of mass destruction posed major threat scenarios that would continue to confront the international community for decades to come. Austria firmly believed that Member States, and the Agency, should tackle those challenges as a matter of priority, in particular by strengthening and universally implementing the Agency's safeguards system including the additional protocol, by applying and further developing the most stringent security tools, and by advancing the multilateralization of the nuclear fuel cycle. He hoped that, in further debate on the strategic, long term orientation of the Agency, those central tasks would remain a focus of attention.

23. In recent decades, the Agency had become the international community's most efficient and effective non-proliferation tool. More than ever before, the Agency was at the centre of world attention in its efforts to enhance global nuclear security. He affirmed Austria's willingness to work



with other Member States and the Secretariat to keep the Agency appropriately prepared for the challenges that lay ahead.

24. Mr CANCHOLA GUTIERREZ (Mexico) welcomed the Director General's initiative to identify and analyse the opportunities and challenges facing the Agency to 2020 and beyond and expressed appreciation for the report of the Commission of Eminent Persons. It had been prepared in the context of such important issues as the world food crisis, the increasing need for alternative energy sources, efforts towards nuclear disarmament and non-proliferation, and the threat of climate change. Mexico, therefore, endorsed the report's emphasis on the need to strengthen actions by the international community in the areas of non-proliferation, disarmament and the use of nuclear energy for peaceful purposes in order to build a reinforced global nuclear order.

25. His delegation took note of the main opportunities and challenges identified in the report, together with the need for solid partnerships to address them. The report set out some essential points with regard to maximizing the contributions of nuclear technologies to human well-being, while at the same time reducing the risks to a minimum. It also took note of the Commission's observations and recommendations concerning the fight against nuclear and radiological terrorism.

26. Although some themes covered in the report fell outside the Agency's mandate and competence, discussion of them should not be rejected out of hand, as one of the main virtues of the report was to stimulate debate in all relevant bodies on the future of both the Agency and the global nuclear order in which it operated.

27. His delegation felt that more information was required on both assurances of nuclear fuel supply and financial and budgetary matters.

28. Mexico welcomed the specific recommendations made by the Commission aimed at strengthening the Agency's mandate so as to accelerate and increase the contribution of atomic energy to peace, health and prosperity throughout the world.

29. Mr AMANO (Japan) welcomed the useful information provided in the report of the Commission of Eminent Persons. In recent years, a growing number of countries had expressed their interest in nuclear energy as a means to address both global warming and energy security concerns. Nuclear safeguards and non-proliferation, nuclear safety and nuclear security (the 3 S's) were essential for the peaceful use of nuclear energy and, if guaranteed, would provide a firm infrastructure for the sustainable use of nuclear energy. They were also necessary in order to enhance transparency and to gain and maintain international trust. The Agency was central in that regard and in helping Member States to establish the necessary infrastructure for nuclear energy to be developed safely, securely and peacefully. The importance of that had been highlighted by the international initiative on 3S-based nuclear energy infrastructure, announced at the G8 summit held in Hokkaido, Japan, in July 2008.

30. Millions of people across the globe benefited from a wide range of applications of nuclear technology, including plant breeding for greater food security, the SIT to control insect pests, the effective management of water resources, and life-saving medical procedures, including cancer therapy. Japan placed great value on the promotion of the peaceful uses of nuclear energy through the Agency's technical cooperation activities, which offered considerable socio-economic benefits for sustainable development. The Agency should provide technical assistance in a more effective and efficient manner, making use of the comparative advantage of nuclear energy, for which purpose it should further strengthen partnerships with Member States and other relevant international organizations. The concept of 'shared responsibilities' was crucial to strengthening technical cooperation activities, and Japan hoped that the Secretariat, donors and recipients would carry out their respective responsibilities based on that concept. The optimal size of the Agency's budget should be determined through due process, following consultations among Member States.

31. Mr SMITH (United Kingdom) welcomed the report of the Commission of Eminent Persons, which provided Member States with a powerful stimulus to participate in setting out a clear vision for the future work of the Agency. The report was substantial and had generated much thought within the United Kingdom.

32. In the section on a reinforced global nuclear order, the report correctly recognized that it would be essential for the Agency to sustain its work across a range of diverse partnerships. His delegation agreed that a successful basis of partnership with the Agency would be an essential element in ensuring that the new phase of expansion of nuclear energy developed in a genuinely inclusive way. In that context, he highlighted in particular the partnership proposed in the report among nuclear technology and fuel cycle suppliers, States that wanted nuclear energy, and the Agency. The United Kingdom welcomed expansion of that partnership and the key role for the Agency envisaged in the report.

33. Agreement on a robust and attractive mechanism under the Agency's auspices that would give countries assurances in the sourcing and disposal of nuclear fuel served both its developmental and safeguards missions. It would also serve as an enabling mechanism to assist a thoroughgoing application of the rights enshrined in Article IV of the NPT.

34. Several countries, individually and collectively, had put forward proposals that would provide assurance of nuclear fuel supply so as to address concerns over possible supply disruptions. Much progress had been made, but more remained to be done to answer satisfactorily the questions remaining on all sides of the partnership. The Agency was in a unique position to facilitate that process.

35. Section 3 of the report continued the key theme of how the Agency could help enable States to undertake nuclear power programmes for the first time. Such States would need to tackle the crucial task of developing the necessary legal and regulatory infrastructure, including the establishment of a competent authority, before embarking on the construction of any nuclear installation. His country remained convinced that the Agency's document *Milestones in the Development of a National Infrastructure for Nuclear Power*<sup>2</sup> provided a sound framework for planning that task, and supported the report's recommendation that the Agency should help those States to consider their options. The Agency had an important and continuing role to play in guiding States to a full understanding of that document, of relevant safety standards, of nuclear security guidance materials and of other relevant Agency documents. The Agency could continue that work by conducting safety and security advisory and review missions before construction, and again before operation. However, its role in that area should be predominantly that of adviser, not implementer, encouraging States — where necessary — to buy in the required expertise.

36. Through technical cooperation projects, the Agency had in recent years made a contribution vis-à-vis the global challenges of poverty and access to healthcare, nutrition, energy, food and water, all of which were relevant to achieving the United Nations Millennium Development Goals. The Agency brought crucial international expertise on the application of nuclear technologies to human development. However, the Agency could not work in that field in isolation; its work formed part of a larger framework of international efforts. The United Kingdom welcomed the Commission's recommendation that the Agency should partner other development organizations and the private sector in targeting areas that would benefit most from nuclear technologies and expertise. To deliver strong results, such partnerships must remain relevant, avoid duplication and must be flexible in their

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<sup>2</sup> IAEA Nuclear Energy Series No. NG-G-3.1.

approach to the constantly evolving development challenge. The 'one UN' initiative was an important guiding context for such partnerships.

37. With regard to nuclear disarmament, the United Kingdom had described in other international forums what it was doing to sustain a dynamic approach to meeting its obligations under Article VI of the NPT. It would remain active on those issues, but the Board was not the appropriate place to elaborate its vision. His delegation considered that the section of the report on progress in nuclear disarmament focused on questions which fell largely outside the Agency's core remit.

38. In the section on no nuclear proliferation, the Commission made a number of recommendations of potential merit. The United Kingdom welcomed those on the review of safeguards culture, on the development of effective and efficient safeguards technologies, and on the recruiting, training and retention of safeguards personnel. The need for trained specialist staff was a critical challenge that was as true for safeguards as for other areas. He invited the Secretariat to present options to give substance to those recommendations, which he hoped would further strengthen the Agency's application of safeguards to civil nuclear activity.

39. Turning to the section on no nuclear terrorism, he concurred that the Agency needed to develop a nuclear security series of documents, comprising fundamentals, recommendations, implementing guides and technical guides. Similar to the IAEA's Safety Standards Series, they should set the global reference for the appropriate effective level of security required for the use of nuclear power and other applications. He hoped to see sustained joint commitment from the Agency and Member States in completing drafting work on the series, which had a vital role to play in the exchange and implementation of best practice.

40. The United Kingdom fully supported the continued development of Integrated Nuclear Security Support Plans to ensure that needs identified through the Agency's activities were captured and their implementation monitored. However, it was not the Agency that implemented such plans; they were for Member States to implement with their own resources, with — where necessary — advice from the Agency and assistance from donors.

41. The section on no nuclear accidents centred on an argument for a harmonized approach to nuclear safety. That required approaches to security, safety and safeguards that were compatible and complementary. The inevitable occasional tensions between them could be resolved through adherence to the goal of maximizing the protection of people and society. The United Kingdom would continue to work with the Agency and other Member States to assist the Agency in its leading role to promote continuous improvement, especially through harmonized approaches, in international safety, security and safeguards standards.

42. There was much more to say on the broad range of issues covered by the Commission's report. The recommendations of the report which most strongly reflected the approach favoured by the United Kingdom were that the Agency should prioritize those areas where it could make the most difference and that it should increase efficiency by using modern methods of management and communication. In that context, the findings of the 2002 Marnett report remained important and valid as a basis for decision-making.

43. Developments in nuclear energy up to 2020 would entail a substantial commitment of financial, human and intellectual resources across the globe. Although, in the context of the total sum of financial and human capital likely to be deployed, the proportion directly attributable to the Agency would be small, the Agency's contribution as an objective guider, standard setter and monitor, underpinned by its impartiality as a representative of all its Member States, would be significant and indispensable.

44. Ms KAUPPI (Finland) said that the report of the Commission of Eminent Persons and the background report prepared by the Secretariat were interesting and useful. The Commission's report gave a comprehensive view of the challenges and tasks the Agency was facing and would face in the future. The exercise had provided the Secretariat with a good opportunity to examine and discuss its activities and priorities horizontally, across departments, in preparing its own background report.

45. As the report of the Commission noted, many countries had announced plans and programmes for nuclear power. The Agency's services would be in even greater demand and its role would continue to be central to ensuring that nuclear power was used in a safe and secure manner, keeping proliferation threats under control. The Agency must have sufficient, assured and predictable funding so that its core activities were not compromised by lack of resources. At the same time, the Secretariat should endeavour to further improve the Agency's record of efficiency and transparency by looking for synergies and setting priorities.

46. Notwithstanding the central role of the Agency in contributing to conditions which allowed the public to have confidence in nuclear energy, she underlined that responsibility for the safe and secure use of nuclear power lay solely with national authorities and operators. The Agency could advise and support them, and it could develop robust international standards, but it could not be expected to assume the tasks of national authorities. That was important for countries embarking on nuclear power programmes to realize. She also underlined the importance of a strong and independent regulatory authority.

47. A high level of safety and security worldwide, as well as effective safeguards, was a prerequisite for the viability of nuclear power in the longer term. The Agency, in close cooperation with national regulators, should continue to consolidate and promote nuclear safety standards and strengthen its activities in the area of nuclear safety, especially by promoting global harmonization of nuclear safety requirements. Member States and the Agency should strengthen and coordinate their efforts to ensure that countries embarking on nuclear power programmes developed sound safety infrastructures, including effective and independent regulatory authorities. In that context, Finland underscored the importance of a strong safety culture.

48. Finland strongly supported the Commission's view that safeguards were a core Agency mission and must continue to be a central part of its work. Comprehensive safeguards agreements and additional protocols, which constituted the current verification standard, should be brought into force and implemented in all Member States. An efficient and cost-effective safeguards system must be based on those two instruments, together with the implementation of integrated safeguards. Efficiency could be enhanced inter alia by more information-driven verification activities, use of state-of-the-art technology, high calibre staff and outsourcing.

49. With regard to nuclear security, measures should be developed to give all States confidence that other States were implementing the agreed standard. Since confidentiality was a requirement for efficient security measures, the possibilities for use by the Agency of detailed models or model agreements was limited. However, the Agency could make a significant contribution to upgrading the general level of nuclear security in Member States by raising awareness about the kinds of risks and challenges to be addressed.

50. There was a clear need to create mechanisms to allow countries access to nuclear power, which reduced not only the need to construct proliferation-sensitive facilities but also the risks of spreading sensitive technologies. Finland welcomed the active role of the Agency with respect to multilateral nuclear approaches. Multinational approaches to the back end of the fuel cycle, as well as to fuel supply, also deserved attention.

51. The demand for technical cooperation activities related to the introduction of nuclear power, particularly in the area of safety, was increasing. It was important for the Agency to be able to respond to that demand. Technical cooperation methods should be developed further, using the most efficient ways of transferring knowledge and technology. The emphasis should be on long term capacity building through the assignment of experts to work for extended periods as mentors in recipient countries or through on-the-job training in countries with advanced technology.

52. Fully recognizing the important role of non-power applications related to technical cooperation and assistance, she expressed the hope that the Agency would continue to develop more cost-effective and sustainable methods as well as partnerships with other organizations, so that its technical expertise and that of other organizations could be productively put to the service of recipient countries.

53. With regard to R&D, it was realistic to assume that the bulk of costly and long term R&D in the nuclear field would be done by organizations other than the Agency. It was important, however, for the Agency to participate in the relevant international networks in order to keep up to date with the latest technological developments and make information available to all members of the Agency.

54. Mr BAZOBERRY (Bolivia) said that the report of the Commission of Eminent Persons discussed in detail the many challenges and opportunities which the Agency would have to address in the years ahead. The analysis and debate which had begun should be continued in future sessions of the Board and a study group should be set up with the participation of the Member States to consider the Commission's recommendations and promote new strategies for the Agency for 2020 and beyond.

55. Having read the recommendations, his delegation observed that in the next few years the Agency would need additional, reliable funding in order to tackle the growing requirements under the three pillars of the Agency's work: technical cooperation, safety and verification.

56. Noting with concern that the report gave greater attention to safety and verification than to technical cooperation, he reiterated the importance of maintaining a balance among the three pillars of the Agency's work.

57. Bolivia, which considered that resources for technical cooperation must be sufficient, assured and predictable, endorsed the Commission's recommendation that the TCF should be increased so that the Agency could fully discharge its mandate to enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. In that connection, his delegation expressed appreciation to the Director General for stressing the importance of tying the Agency's work to the goal of reducing poverty.

58. Non-proliferation and disarmament were inextricably linked to respect for human beings and peaceful coexistence. In that context, the rational behaviour of States in using nuclear energy must become the new paradigm of the twenty-first century. The NPT and the Agency's safeguards regime would continue to make an important contribution towards attaining nuclear non-proliferation, peace and improved living standards for humanity.

59. Mr KUMAR (India), while commending the Commission of Eminent Persons for its efforts, said more work was needed with regard to planning the scope and nature of the Agency's future programmes. The report was only one step in that direction. Further thought should be given to the promotional aspects of the Agency's work in order to realize not only the objectives embodied in Article II of the Statute and the potential of nuclear technology for helping achieve the United Nations Millennium Development Goals, but also expansion of nuclear power. Those aspects should be accorded overarching priority and there was a need to ensure that all activities were undertaken in a safe, secure and proliferation-resistant manner.

60. As it stood, the report could not be the basis for decisions regarding the Agency's future. Nevertheless, his delegation welcomed the release of the report as an opportunity to generate constructive ideas on how the nuclear renaissance could benefit all countries, and the developing world in particular.

61. Mr MARFURT (Switzerland) said the Commission's thought-provoking report stressed the need for a harmonious and balanced development of the three pillars of the NPT, namely the peaceful use of nuclear energy, disarmament and non-proliferation. It underscored in particular the need for a partnership on disarmament in the short term in order to make progress on questions of non-proliferation and the growing use of nuclear energy. His delegation supported that approach.

62. Switzerland had been surprised, however, at the increased normative and supervisory role which the authors proposed to give the Agency in the area of nuclear safety and security. In his delegation's view, the responsibility and role of the State and the operator were fundamental and essential. It would be counterproductive to share them.

63. The measures taken in those areas would have a direct impact on the commitment of States to cover the necessary financial requirements. If they proved unsatisfactory, States would have difficulty meeting the anticipated budgetary increases, and there was a danger of a sharp increase in extrabudgetary financing of the Regular Budget, thereby further destabilizing the already tenuous balance in budget policy. That danger must be avoided at all costs in order to preserve the two pillars of the NPT which came under the competence of the Agency, namely non-proliferation and the development of nuclear energy for the common good.

64. With regard to strengthening safeguards, his delegation was of the view that, rather than across-the-board measures, greater attention should be given to sensitive fuel cycle facilities, while verification of power reactors in States with integrated safeguards in place could be scaled back. It was premature to strengthen the additional protocol, and the idea of using safeguards inspectors as physical protection inspectors needed further study.

65. Although the proposal to set up a standardized safety system in each State was alluring, it did not take sufficient account of the independence of the national safety authority, the input of other bodies in the safety field such as professional associations, the impact of innovation or the technical and cultural specificities of each State.

66. Mr AYOUB (Iraq) said that his delegation agreed with the conclusion of the report on the need to strengthen the Agency's role in promoting peaceful uses of nuclear energy for development so as to help address the scarcity of traditional energy sources, to tackle the food crisis, control pests, increase agricultural productivity, treat chronic diseases, ensure a safe water supply and to offer technologies to developing countries so that they could take advantage of nuclear energy in an efficient and safe manner. His delegation stressed the importance of enhancing the Agency's role as regards technical cooperation with developing countries and of providing the Agency with the necessary resources so that it could carry out its work in a sustainable manner.

67. His delegation confirmed the inalienable right of all States party to the NPT which applied comprehensive safeguards to all their nuclear facilities to develop nuclear energy for peaceful uses without restrictions, apart from their legal commitments under the NPT and their safeguards agreements.

68. The report had focused on the need for the Agency to step up its role in the area of disarmament and improve its capacities for preventing nuclear proliferation and nuclear terrorism. His delegation agreed with those objectives in general, and stressed the importance of upholding the Agency's statutory mandate, including reinvigorating the role entrusted to it in the sphere of disarmament.

69. He commended the Agency for the historic role it had played in confirming the absence of nuclear weapons in Iraq in early 2003. The Agency's activities in monitoring non-proliferation must be based on accurate and verifiable information, constructive cooperation with the States concerned and provide the requisite assurances that all the data made available to the Agency was dealt with in an objective and transparent manner. It should not rely on baseless sources whose only aim was to raise doubts and suspicions. The Agency must adhere to objective criteria based on its mandate and apply them in a balanced manner to all cases. Also, it must avoid politicization and double standards if its role was to be enhanced and the goals expected of it by the international community in that critical area were to be achieved.

70. Mr KHELIFI (Algeria) said that the Director General's initiative in creating the Commission of Eminent Persons had placed the Agency's work in a long term perspective and opened a discussion on its future, in particular on finding ways of financing its activities.

71. The wide variety of recommendations in the Commission's report, covering all aspects of the Agency's work and highlighting the challenges facing it, gave the report a global dimension. The Commission's appeal for the Agency's role to be strengthened was most relevant, given the increasing calls by Member States for the promotion of nuclear science and technology, nuclear power and non-power applications in the fields of human health, food and agriculture, and water resources. All those areas were essential for the economic and social development of countries and the well-being of populations. Future discussions on the report should help identify balanced objectives for strengthening the Agency's role in the area of science and technology and ensuring reliable use of the atom for exclusively peaceful purposes.

72. Mr SHAHBAZ (Pakistan) said that the Agency's primary function was to promote the peaceful applications of nuclear energy and to assist Member States in that regard. On the whole, Pakistan supported the Commission's various recommendations for the safe and secure expansion of nuclear energy. The Agency should provide help to newcomer States that sought it in developing the institutional framework and infrastructures required for introducing nuclear energy, subject to applicable Agency safeguards requirements.

73. The Agency had a unique capability for providing objective assessments on matters relating to safety and security. Since many Member States had little or no experience in nuclear technology, the Commission had rightly stressed the urgent need for the Agency to expand its efforts to help States establish safe and sustainable approaches to managing spent fuel and nuclear waste, and to build public and international support for their implementation.

74. Pakistan had been actively participating in the development of international nuclear safety standards and common practices. However, an absolute harmonization of such standards and practices might halt advancements in nuclear safety. Diversity in approaches might be the key to improving the knowledge base and should be ensured while developing international standards. A revisiting of safety assessments of existing facilities should be supported by improvements through the transfer of safety related technology.

75. The evolution of specific and binding global standards for sovereign States was likely to start a long debate. It was important that they did not infringe upon the sovereign rights of States. While Agency advisory services might help Member States in enhancing safety and security measures, the rigorous peer reviews did not seem to have any justification in security matters that came under the sole purview of sovereign States.

76. The Commission's report made a number of recommendations on several purely political issues that went well beyond the Agency's mandate. Similar recommendations had been proposed in the past by many think tanks, researchers and policy institutes in the West. In fact, the report seemed to have

adopted a few recommendations which were contrary to the well-founded principles of sovereignty, justice and equality.

77. It was important to understand that the Agency had been entrusted with a key responsibility under the NPT, namely to administer safeguards in the non-nuclear-weapon States party to it to ensure compliance with their commitments under the Treaty. That role was limited to the respective safeguards agreements concluded between them and the Agency. The Agency, per se, had no other authority. The recommendations in support of strengthening the Agency's so-called non-proliferation mission were vague and at variance with its Statute.

78. Safeguards could never be universal as long as there were two categories of States — nuclear-weapon and non-nuclear-weapon States — with different obligations under the NPT. Calling for a new expanded role for the Agency, in particular to inspect for indicators of nuclear weaponization activities, was not valid under its Statute. Any new role for the Agency would require an amendment to its Statute.

79. The Commission called for a wide range of steps to strengthen safeguards, including the adoption of additional protocols and agreement on an 'additional protocol plus'. Such measures clearly exceeded any legal authority and infringed upon the sovereignty of States. The Advisory Committee on Safeguards and Verification within the framework of the IAEA Statute had rejected such measures outright, because they went beyond the additional protocol. In Pakistan's view, the current safeguards system was already working well.

80. Similarly, Pakistan did not subscribe to the suggestion that safeguards inspectors be given reporting responsibilities regarding the physical protection system of a Member State. Safeguards inspectors should stay strictly within their mandate.

81. The Commission had rightly accepted that the Agency was not the lead agency or forum for nuclear disarmament. Accordingly, his delegation did not foresee any Agency role in that sphere and recommended that such issues should be tackled in the appropriate forum, such as the Conference on Disarmament. Likewise, the Commission's recommendation that the non-NPT countries should join in a new partnership for disarmament and non-proliferation, capping, reducing and ultimately eliminating their nuclear arsenals as other States did the same, went beyond the scope of the Agency's mandate.

82. The notion of preventing the spread of sensitive nuclear technologies inevitably entailed the formation of monopolies and cartels of nuclear suppliers. The recommendations on limiting the growth of nuclear power technology to only a few countries and placing the rest under restrictions were unproductive and were tantamount to undermining the inalienable right of less-developed countries to socio-economic development.

83. The Commission's concept of partnerships among various groups of countries based on their current political, economic and technological status was equally disturbing because it implied that the status quo would be maintained for all time to come. Thus, suppliers would remain suppliers, and buyers of technology would always be dependent upon them.

84. While recommending an increase in the budget, the report called for greater allocations for safeguards. Referring to it as the Agency's crucial mission, the report granted safeguards greater importance than the promotional role that formed the Agency's *raison d'être*. It questioned the suitability of reliance on extrabudgetary contributions for verification activities, but advocated that technical cooperation continue to be based on negotiated contributions. In his delegation's view, a balance must be maintained between the Agency's various statutory activities. Pakistan supported the recommendation that, if the Agency was to fully discharge its mandate to accelerate and enlarge the



contribution of atomic energy to peace, health and prosperity throughout the world, funding for the technical cooperation programme must be increased and made sufficient, assured and predictable.

85. The Commission recommended that the Agency should gradually move away from buying and providing equipment and instead help Member States identify the most effective technologies to acquire and assist them in implementing safety and security standards, regulations and training to ensure that those technologies would be used safely and securely. Pakistan believed that the Agency should continue its role in facilitating capacity building in the Member States, including by buying and providing the necessary equipment and facilities related to the peaceful applications of nuclear energy.

86. His delegation agreed with the Commission's report that nuclear knowledge management had become a serious issue and therefore supported the recommendation that the Agency should take urgent steps to help States around the world in the relevant nuclear related areas.

87. Ms MACMILLAN (New Zealand)\* said that there were a number of proposals in the Commission's report, for example those dealing with verification and the additional protocol, that merited further work. Others, particularly those concerning an increased role for the Agency in the promotion and development of nuclear power and proposed budget increases, raised a number of questions and concerns. Many of the issues addressed in the report were complex, multifaceted and sensitive with concomitant political, economic and administrative challenges.

88. The report proposed a bold new vision for the future of the Agency but, as with all bold visions, there were also significant implications for the Agency's mandate and its administrative and financial framework.

89. In that context, her delegation noted the need for further close consultation with all Member States. In addition, given the significance of some of the proposals and their potential impact on both the Agency's mandate and consequent funding requirements, any decisions on them would need to be taken by consensus.

90. Mr JOHANSEN (Norway)\* joined others in welcoming the Director General's efforts to take a serious look at the Agency's role in the years to come and future financial implications. The report called for a reinvigorated global nuclear order that would reduce risks while allowing rapidly growing contributions to human well-being from nuclear technologies. A strengthened Agency with adequate authority, resources and personnel was essential if such a reinforced global nuclear order was to contribute to peace and prosperity. Norway agreed with the report that four strong partnerships were needed to forge such a nuclear order.

91. His delegation hoped that there would be a solid follow-up to the report. It looked forward to further discussions during the Scientific Forum and the General Conference the following week. Safeguards, safety, security and technical cooperation in the nuclear age were of the utmost importance.

92. Mr KIM Sung-Hwan (Republic of Korea)\* said that the report provided a comprehensive analysis of all major Agency programmes and challenged Member States, with far-reaching and robust recommendations, to overhaul the Agency's modus operandi in a significant manner.

93. His country endorsed the key trends set out in the report regarding nuclear opportunities and challenges in the twenty-first century. It supported the expanded utilization of nuclear energy, backed up by solid infrastructure, the 3 S's (safety, security and safeguards) and an effective Agency. It was convinced that nuclear energy could help meet soaring energy demand and mitigate the threat of climate change, two of the greatest challenges facing the world today.

94. The global nuclear order was based on an intricate web of nuclear standards, actions and partnerships buttressing the three pillars of the NPT: nuclear non-proliferation, the peaceful uses of nuclear energy and nuclear disarmament. To meet the new opportunities and challenges of an expanded use of nuclear energy, the global nuclear order must be consolidated and reinforced to realize the promise of an era of atoms for peace and prosperity. That required a bold agenda calling for bold action by the Agency, consistent with its statutory mandate. To that end, close cooperation and partnership within the global community, with the Agency at the centre, would be essential.

95. The Secretariat should prioritize the more than 100 recommendations in the report. While each recommendation warranted thoughtful consideration, it might not be sensible to seek to implement all of them simultaneously. Some could be implemented immediately, others required a forward-looking, longer-term approach, accompanied by in-depth analysis and discussions. It might therefore be worth considering the establishment of a working group or a committee to address all aspects of the report.

96. A step-by-step approach was needed to mobilize financial resources to support the implementation of the various recommendations. A number of important recommendations in the Commission's report had significant financial implications. To mobilize the financial resources as recommended, a phased plan was needed so that the increase in financial contributions was in step with progress in implementing the recommendations.

97. The Republic of Korea attached great importance to the recommendation that the Agency should help newcomer States to consider their options in launching nuclear energy programmes. The Agency had an indispensable role to play in putting into place the necessary infrastructure to develop nuclear energy safely, securely and peacefully. The partnership between newcomer States and the Agency was a very important one. By assisting such States in the area of peaceful uses of nuclear energy, the Agency would be better positioned to work with them on non-proliferation. The Republic of Korea was prepared to share with newcomer States its 40 years of experience in the construction and operation of nuclear power plants.

98. The Agency's safeguards system should be re-examined and overhauled at an appropriate time in the future. Regrettably, the Advisory Committee on Safeguards and Verification within the Framework of the IAEA Statute had not produced an agreed platform, owing to diverging views. For today, his delegation endorsed the recommendation that the additional protocol, together with the comprehensive safeguards agreement, should become the universal standard for nuclear verification. For tomorrow, due consideration should be given to the recommendation that States should adopt transparency measures in their civil nuclear activities, providing the Agency with access to any information, locations and individuals deemed necessary.

99. Mr GASHUT (Libyan Arab Jamahiriya)\*, having thanked the Director General for his initiative in setting up the Commission of Eminent Persons, said that his country supported every effort made towards reinforcing the Agency's capacity to fulfil its statutory mandate. He noted that the Commission's report constituted the personal opinions of those who had contributed to it and thus should not be considered binding for Member States.

100. His country attached great importance to the Agency's role in the safe and secure expansion of nuclear energy to those countries that sought it and also to enlarge the contribution of nuclear applications to human well-being, particularly through the provision of advice and recommendations and through its technical cooperation projects. The proposals concerning the nuclear fuel cycle and assured supply of nuclear fuel should not conflict with States' inalienable right to develop and use nuclear technologies for peaceful purposes. He underlined the importance of international cooperation in assisting developing countries to apply nuclear technologies in such areas as health, the

environment, power generation, economic development and water desalination. Furthermore, no constraints should be imposed on the transfer of nuclear scientific knowledge.

101. It was futile to establish a NWFZ while nuclear weapons were still possessed by another country in the same region, or another region, because the threat continued to exist. Libya supported the Agency in its efforts to promote nuclear disarmament and non-proliferation, to reduce the demand for nuclear weapons and to reinforce safeguards. He stressed that the international community must cooperate with the Agency to achieve all those objectives. It was the responsibility of all countries possessing nuclear weapons immediately to begin internationally verifiable programmes in fulfilment of their disarmament commitments under Article VI of the NPT. Such measures would help to prevent those countries seeking to acquire nuclear weapons from doing so. Putting a stop to the further development of nuclear weapons and avoiding double standards in international disarmament was the only way to halt the nuclear arms race. International legislation should prohibit the use of, or threat to use, nuclear weapons in order to promote security in all countries and particularly those without such weapons. Libya believed that the safeguards system should be applied universally, on the same basis to all States, whether or not they possessed nuclear weapons.

102. It was to the benefit of all Member States to support the Agency's efforts to combat nuclear terrorism. However, the largest responsibility lay with those countries that possessed nuclear weapons, and nuclear and radioactive material which could be used to make nuclear explosive devices, all of which should be kept under strict controls. Terrorism was a universal problem, of no one nationality or religion, which had to be solved on a universal basis by consultation with all parties. The main potential source of nuclear terrorism was the continuing existence of an enormous arsenal of nuclear weapons and materials.

103. In connection with the Agency's Regular Budget, he stressed the importance of ensuring a balance among all the Agency's programmes. That included the technical cooperation programme, which was a core Agency activity, promoting the use of nuclear energy for peaceful purposes in accordance with the Statute, and also of strategic importance for Member States.

104. Libya, which was about to embark on the construction of a new nuclear power and desalination plant, looked forward to future cooperation with the Agency.

105. The CHAIRMAN, summing up the discussions, said that the Board had commended the Director General for his initiative in establishing the Commission of Eminent Persons aiming at elaborating a comprehensive vision of the Agency in 2020 and beyond. The Board had also expressed its appreciation to the members of the Commission for the preparation of their report, which contained valuable proposals for the future orientation of the Agency that deserved serious and in-depth consideration.

106. Many members had shared the view that the Agency represented an "extraordinary bargain" and that collective efforts had to be made to ensure that it remained such a bargain.

107. Several members had recalled the statement by the members of the Commission who "endorse the report as a whole but do not each subscribe to every statement and recommendation in the text".

108. Some members had indicated that the report contained a number of recommendations which went beyond the Agency's statutory functions and that those should be addressed in other more appropriate forums. Some other members had expressed the view that a strengthened Agency with adequate authority and resources would be essential to meet the challenges of a reinforced global nuclear order.

109. The need for successful and strengthened partnerships between the Agency and Member States and other relevant international organizations had been emphasized.

110. Several members had expressed the view that the issue of technical cooperation had not been sufficiently considered in the report. Several other members had underlined the importance of nuclear safety, security and safeguards when providing assistance to States with a view to establishing or improving nuclear infrastructure.

111. Several members had stressed the need to maintain balance among all the activities of the Agency without placing undue emphasis on one at the expense of others.

112. With regard to the Agency's budgetary requirements for the future, several members had underlined the fiscal constraints faced by many Member States and had questioned the feasibility of an increase of resources as envisaged in the report.

113. Some members had noted the improvements in management made by the Agency over the previous decade and had welcomed the report's recognition of the need for further management reform. They had expressed disappointment that the report had made no new recommendations on budgetary discipline and had expressed the view that alternative funding sources should be sought.

114. The Agency had been encouraged to continue and intensify its prioritization process to increase efficiency and effectiveness in implementing its activities.

115. A wide range of views and specific comments had been expressed on the specific proposals contained in the report.

116. Several members had expressed the view that any decision inspired by the report should require the involvement and participation of all Member States and be made by consensus.

117. The Board had looked forward to continuing to discuss the report in a constructive and structured manner. The Board had noted the Director General's view that such discussion could involve the establishment of issue-specific focus groups which would look into each area in which the Commission had made proposals and then make recommendations to the Board.

118. He asked whether his summing-up was acceptable.

119. The Chairman's summing-up was accepted.

## **11. Other matters arising from the fifty-first regular session of the General Conference: Application of IAEA safeguards in the Middle East (GOV/2008/29/Rev.1)**

120. The CHAIRMAN drew the Board's attention to document GOV/2008/29/Rev.1 containing a report by the Director General describing the steps undertaken by him in seeking to fulfil the mandates conferred by the General Conference in its resolution GC(51)/RES/17 and by its decision GC(44)/DEC/12.

121. Ms GOICOCHEA ESTENOZ (Cuba)\*, speaking on behalf of NAM, referred to paragraph 117 from the final document of the 15th NAM Ministerial Conference, held in Tehran, Iran, from 27 to 30 July 2008, which read:

“The Ministers reiterated their support for the establishment in the Middle East of a zone free of all weapons of mass destruction. As a priority step to this end, they reaffirmed the need for the speedy establishment of a NWFZ in the Middle East in accordance with the Security Council Resolution 487 (1981) and paragraph 14 of the Security Council Resolution 687 (1991) and the relevant General Assembly resolutions adopted by consensus. They called upon all parties concerned to take urgent and practical steps towards the fulfilment of the proposal initiated by Iran in 1974 for the establishment of such a zone and, pending its establishment, they demanded on Israel, the only country in the region that has not joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) nor declared its intention to do so, to renounce possession of nuclear weapons, to accede to the NPT without delay, to place promptly all its nuclear facilities under IAEA full-scope safeguards according to Security Council Resolution 487 (1981) and to conduct its nuclear related activities in conformity with the non-proliferation regime. They called for the earliest implementation of relevant IAEA resolutions on “Application of IAEA Safeguards in the Middle East”. They expressed great concern over the acquisition of nuclear capability by Israel which poses a serious and continuing threat to the security of neighbouring and other States, and condemned Israel for continuing to develop and stockpile nuclear arsenals. In this context they also condemned the statement made by the Prime Minister of Israel on 11 December 2006, related to the possession of nuclear weapons by Israel. They urged the continued consideration of the issue of Israeli nuclear capabilities in the context of the IAEA, including at the General Conference at its 52nd Session. They were of the view that stability cannot be achieved in a region where massive imbalances in military capabilities are maintained particularly through the possession of nuclear weapons, which allow one party to threaten its neighbours, and the region. They further welcomed the initiative by H.E. Mr. Mohammed Hosni Mubarak, President of the Arab Republic of Egypt, on the establishment of a zone free from weapons of mass destruction in the Middle East, and in this context, they took into consideration the draft resolution tabled by the Syrian Arab Republic, on behalf of the Arab Group, before the Security Council on 29 December 2003 on the establishment of a zone free of all weapons of mass destruction in the Middle East. They stressed that necessary steps should be taken in different international fora for the establishment of this zone. They also called for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear related scientific or technological fields to Israel. In this regard, they expressed their serious concern over the continuing development whereby Israeli scientists are provided access to the nuclear facilities of one NWS. This development will have potentially serious negative implications on security in the region as well as the reliability of the global non-proliferation regime.”

122. NAM noted with regret that the Director General had been unable to make further progress in fulfilling his mandate regarding the application of comprehensive safeguards in the Middle East. It also regretted Israel’s continued insistence that such progress should be contingent upon other developments related to the achievement of peace in the Middle East, rather than contribute to such developments. NAM welcomed the Director General’s finding that there was a consensus that the global nuclear non-proliferation regime would be further strengthened through the establishment of a NWFZ in the Middle East, and it held the view that every effort should be made to turn that consensus into urgent and practical measures.

123. NAM welcomed the recent efforts by the Director General to develop the agenda and modalities of a forum in which participants could learn from experience in other regions relevant to establishing a NWFZ in the Middle East. She stressed that, for such a forum to be successful, its agenda would have to reflect the international community’s consensus on the importance of establishing a NWFZ in the Middle East.

124. NAM welcomed the report's indication that there could be a convergence of views on convening the forum and requested the Director General to continue consultations with Member States of the Middle East in an effort to convene a productive forum as soon as possible.

125. Mr AL-SUWAIYEL (Saudi Arabia) recalled that the General Conference had adopted a number of resolutions stressing not only the importance of all States in the Middle East immediately accepting the application of comprehensive Agency safeguards on all their nuclear activities, but also that they should give serious consideration to the proposal of establishing a NWFZ in the region and cooperate with the Director General in fulfilment of his mandate. The report under discussion had stated that all countries in the region except Israel were party to the NPT. Saudi Arabia underlined that strengthening the non-proliferation regime and the universalization of safeguards required the comprehensive application of the non-proliferation regime to all States in the Middle East without discrimination or exception.

126. The establishment of a NWFZ in the Middle East would help reinforce security, peace and stability not only in the region but throughout the world. He regretted that the Director General had been unable to achieve progress in fulfilling his mandate in that regard and stressed the importance of cooperation with and support for the Director General. Achieving the desired goals would require an end to double standards and an intensification of efforts by all those States with special responsibility for maintaining international peace and security to ensure application of the comprehensive safeguards regime to all States in the region.

127. Ms FEROUKHI (Algeria) said that her country, as a State Party to the NPT which had ratified the Pelindaba Treaty, continued to contribute to international nuclear non-proliferation and disarmament efforts, which were two complementary processes. It had demonstrated its commitment to the application of safeguards and establishment of a NWFZ in the Middle East through the obligations it had undertaken at international level, for example by chairing the 1995 and 2000 NPT Review Conferences.

128. Algeria regretted the lack of progress made in implementing comprehensive Agency safeguards in the Middle East. She noted that, unlike all other States of the region, Israel continued to refuse to accede to the NPT and submit all its nuclear facilities to the Agency's verification regime, as required by Security Council resolution 487 (1981).

129. She said that the attitude of Israel, whose leaders had admitted that it possessed nuclear weapons, heightened feelings of insecurity among its neighbours and undermined the confidence needed for the development of peace and security. Such a situation did not favour the establishment of a NWFZ and eroded the authority of the NPT and the integrity of the Agency's verification regime.

130. The accession of all States in the region to the NPT, as required by the international community, and the application of Agency safeguards to all nuclear activities and facilities in countries of the region would contribute greatly to international and regional security.

131. The relevant resolutions of the General Assembly and Security Council, and the measures adopted by the NPT Review Conferences, expressed the international community's desire to eliminate weapons of mass destruction and the threats which caused the Middle East's dangers and instability to affect negatively international peace and security.

132. Algeria supported the organization of a forum, under Agency auspices, on experience of possible relevance to the creation of a NWFZ in the Middle East. Such a forum should be seen not as an end in itself, but as an additional means of engaging in serious and constructive dialogue on collective security.

133. The Arab Group had put forward some balanced amendments to the proposed agenda of the forum in its letter sent to the Secretariat, contained in Annex 3 of the Director General's report, which demonstrated the seriousness with which it viewed the matter.

134. Mr AYOUB (Iraq) expressed disappointment that the Director General had not been able to make any progress towards fulfilling his mandate regarding the application of comprehensive Agency safeguards in the Middle East. The international community had repeatedly called, through resolutions of the Security Council and General Assembly, the Agency's General Conference and the NPT Review Conferences, for the establishment of a NWFZ in the Middle East. Such international requests reflected the alarm felt among the international community at the imbalance in the region owing to the fact that Israel possessed nuclear weapons and was the only country in the region to ignore all the international resolutions, to refuse to accede to the NPT and to continue to challenge the international community with its desire to develop its nuclear arsenal. The report indicated that all other countries in the region were parties to the NPT and had comprehensive safeguards agreements with the Agency, and that some had gone yet further by signing or ratifying additional protocols.

135. Iraq had responded to the Director General's invitation to convene a forum to study the experience of NWFZs in other regions. It had emphasized that the fundamental criteria for establishing a NWFZ in the Middle East were the application of comprehensive safeguards to all the nuclear facilities in the Middle East and the accession of all States of the region to the NPT. Iraq had also requested that the agenda of the proposed forum be amended to focus on the situation in the Middle East.

136. Mr SCHULTE (United States of America) noted the importance of addressing fully the concerns of all parties in the Middle East with regard to ensuring that all nuclear programmes there were dedicated exclusively to peaceful purposes.

137. His country continued to support the goal of a Middle East free of all weapons of mass destruction, including nuclear weapons, and therefore supported the Director General's call for a forum in which participants could learn from the relevant experience of other regions in establishing NWFZs. The United States encouraged all parties to support that effort and to recognize it as a real and practical step towards the common goal of making the region free of all weapons of mass destruction.

138. The United States urged all participants in the debate to work together constructively. He expressed the hope that all parties would return again to a consensus approach to the issue of the application of Agency safeguards in the Middle East. Such an approach would demonstrate the understanding by all parties that it was only through patient negotiation and confidence-building that the difficult challenges in the Middle East could be addressed successfully.

139. Mr GUMBI (South Africa) reiterated his country's view that the establishment of a NWFZ in the Middle East would be a major contribution to the promotion of international peace and security and expressed support for the Director General's commendable efforts to convene a forum for negotiations in that connection. His delegation urged all States in the Middle East to make every effort to ensure the early establishment of a zone free of nuclear weapons, as well as other weapons of mass destruction and their delivery systems.

140. In various forums, South Africa had emphasized its view that establishing NWFZs was an indispensable and integral part of the nuclear disarmament and non-proliferation regime. He referred in that context to the recent progress made towards the entry into force of the NWFZ in Africa, with only four further ratifications being required.

141. South Africa reiterated its call to Israel to accede to the NPT as a non-nuclear weapon State and to place, without delay, all its nuclear facilities under Agency safeguards, thereby reducing the threat posed by weapons of mass destruction, and in particular nuclear weapons, in the Middle East. South Africa encouraged all States in the region to take measures, including confidence-building and verification measures, towards the goal of making the region free of nuclear weapons.

142. Mr FAWZY (Egypt)\* said that the Agency's inability to apply comprehensive safeguards to all nuclear facilities in the Middle East was due solely to Israel's refusal to accede to the NPT under the pretext of making a comprehensive peace settlement in the Middle East a precondition for accession. A number of Member States had condoned Israel's attitude, which posed a serious threat to the region. Such a situation undermined the credibility of the non-proliferation regime and would lead to a number of countries in the region reducing their commitment to it in view of the double standards followed. The principle of applying safeguards and renouncing the option of nuclear weapons had to be applied equally to all countries and not in a selective manner, by bringing pressure to bear on some States to undertake further obligations while condoning the attitude of another State and granting it political cover and immunity from decisions made by international consensus, such as those of the Security Council, the General Assembly, and the Agency General Conference regarding the establishment of a NWFZ in the Middle East. All international institutions, led by the Agency, should make every effort to address such a serious threat to international and regional security.

143. A comprehensive and just peace would not be achieved in the Middle East without a stable and balanced security situation, which would not be obtained without ridding the whole region of nuclear weapons. It was inconceivable that the international community and the peoples of the region should accept a hypothesis based on the inverse logic that there should first be comprehensive peace and only then should nuclear disarmament be considered. Such logic served only an agenda of procrastination and prevarication. It conflicted with the successive steps needed to establish a regime to verify all nuclear capabilities and place them under international inspection and verification, a requirement for the establishment of a NWFZ in the Middle East.

144. Egypt called upon Israel to adopt a positive and serious attitude and to act on its statements in support of a NWFZ by placing all of its nuclear facilities under the safeguards regime. It also called upon Israel to accede unconditionally to the NPT. It urged all Member States to give the issue utmost priority, pursuant to the relevant resolutions of the General Conference as well as Security Council resolution 487 (1981), on which no action had been taken since its adoption.

145. Noting with frustration and concern the lack of progress in implementation of previous General Conference resolutions and the fact that some international parties had gone back on their commitment to support the implementation of safeguards in the Middle East pursuant to the relevant General Conference resolutions, he urged the Director General and all Member States to continue their efforts with a view to taking the necessary steps towards implementation of those resolutions. Egypt remained ready to provide support and cooperation to the Director General to allow him to take all necessary measures in that respect.

146. He drew attention to the letter sent to the Secretariat by Morocco on behalf of the Arab Group regarding the proposal that the Agency convene a forum on benefiting from the experiences of other regions in establishing NWFZs. He noted that the letter marked the first time that a unified position had been adopted by the majority of the region's States on that subject. Egypt called upon all interested parties to show the necessary flexibility to make the forum a success as it represented an opportunity to revive the debate necessary towards taking steps to establish a NWFZ in the Middle East and to allow the Agency to play the role expected of it.



147. Mr TAJOURI (Libyan Arab Jamahiriya)\* expressed disappointment that the Director General, as noted in his report, had been unable to make progress in fulfilling his mandate pursuant to resolution GC(51)/RES/17.

148. Libya stressed that stability and security in the Middle East would not be achieved while Israel continued to possess nuclear weapons, as had been admitted by its Prime Minister in December 2006. Israel's nuclear weapons posed a threat not only to the world, in general, but the Mediterranean Basin and the Middle East, in particular.

149. Israel was the only State in the region which had not acceded to the NPT, nor had it explicitly expressed its desire to do so. Therefore, Libya strongly called upon all institutions of the international community to bring pressure to bear on Israel to join the NPT without delay, dismantle its nuclear arsenal and place all its nuclear facilities under the comprehensive Agency safeguards regime.

150. He wondered why certain States did not require Israel to accede to the NPT and submit its facilities to the Agency safeguards regime, but made further demands of other States in the region, which had already acceded to the NPT and were subject to Agency safeguards. Such a situation demonstrated the bias and double standards of those countries, which could jeopardize security in an already volatile region.

151. Based on Libya's principled position on the need to renounce all weapons of mass destruction, especially nuclear weapons, as a threat to global peace, security and stability, which had led it voluntarily to abandon its nuclear programme in 2003, his delegation considered that it was imperative for the international community to implement the resolutions related to the Middle East of the 1995 and 2000 NPT Review Conferences and Security Council resolution 487 (1981).

152. Mr MICHAELI (Israel)\* said that his country had for many years joined the consensus on the General Conference resolutions on the application of Agency safeguards in the Middle East. It had done so from its conviction that the Middle East as a zone free of weapons of mass destruction would eventually serve as an important complement to the overall peace and security of the region.

153. Israel had joined the consensus in spite of its fundamental reservations about the language and relevance of those resolutions, and had formally distanced itself from their modalities. Rather, Israel's support had reflected its position that the goal of countries in the Middle East, as in other regions, should be to achieve regional peace, security and stability, and that arms controls could be an outcome of such a process, not a goal in itself.

154. Israel believed that a NWFZ should be aimed at enhancing the security of all States in the region, and should not serve some States in gaining advantage over others. Israel did not and would not accept that a NWFZ should become a means to remove obstacles in the way of those who wished to eliminate Israel. The vision of freeing the Middle East from weapons of mass destruction could only be promoted through reconciliation and agreement among all States of the region, as it had been in other regions around the world.

155. In the previous two years, the State sponsoring the General Conference resolution had deviated from the long-agreed package and language, such as by introducing significant changes into the text that had not been agreed, without any willingness to negotiate or compromise. The inevitable conclusion drawn by Israel was that the sponsors had lost interest in consensus.

156. The Director General's report contained in document GOV/2008/29/Rev.1 was an outcome of a resolution which had not been adopted by regional consensus and was therefore, in Israel's view, irrelevant to its subject matter. Israel hoped that recent developments on the subject did not indicate that such an unconstructive path would continue to be followed.

157. Unlike some previous speakers, Israel believed: that regional arms control, including the NWFZ in the Middle East, was first and foremost linked to general security, stability and peace in the region; that confidence building among all relevant States was an important and necessary preliminary stage; that compliance by each State with its international legally-binding obligations was the most basic confidence-building measure, without which any agreement was worthless; that regional agreement could only be achieved through mutual recognition and acceptance and through direct negotiations among all regional States; and that experience gained in the processes that had led to the establishment of existing NWFZs should not be ignored, but should serve as an example to those who wished to promote regional security. Israel believed those considerations to be basic principles of international relations that it could not and would not ignore. It regretted that those principles were not to be found in the resolution GC(51)/RES/17.

158. His country believed that it was widely recognized that the Agency was not an adequate forum for the promotion of such a NWFZ. There was no substitute for direct negotiations among all States of the region, as had occurred during the establishment of all other NWFZs. The General Conference could demonstrate a regional as well as global consensus for the vision of freeing the Middle East from weapons of mass destruction. However, if consensus was not important to the sponsors, the resolution and the whole debate would have lost their value and relevance and could only jeopardize the General Conference and the credibility of the Agency.

159. The policy and vision of Israel had not changed. It was still prepared to work with other States from within the region and outside it towards a consensus on the matter. Israel hoped for a better approach by the sponsors of the resolution at the forthcoming 52nd General Conference.

160. His country noted that there had once again been a request by a group of States to introduce an additional item on the Middle East into the agenda of the General Conference. Their proposal was clearly the same one on which the two previous General Conferences had decided to take no action. The proposal singled out Israel inappropriately while failing to address the most pressing proliferation concerns in the Middle East acknowledged by both the Security Council and the Agency's Board of Governors. Israel considered the introduction of such a discriminating item to be a further measure aimed at undermining efforts to regain consensus.

161. The CHAIRMAN, summing up the discussions, said that several members had expressed their support for the establishment of a NWFZ in the Middle East in accordance with relevant United Nations General Assembly and Security Council resolutions. In that regard, several members had called on Israel, being the only country in the region which had not yet done so, to accede to the NPT and place all its nuclear material and facilities under the Agency's comprehensive safeguards.

162. A view had been expressed that the establishment of a NWFZ in the Middle East could not be achieved in isolation but as an integral part of a regional comprehensive peace settlement.

163. Support had been expressed for the Director General's efforts to carry out his mandate to implement the relevant General Conference resolutions. However, several members had expressed regret at the inadequate progress achieved on the implementation of those resolutions.

164. Some members had expressed the view that the continued application of double standards in addressing the nuclear threat in the Middle East was not acceptable and undermined the credibility of the nuclear non-proliferation regime.

165. Several members had welcomed the Director General's finding that there was a consensus that the global nuclear non-proliferation regime would be further strengthened through the establishment of a NWFZ in the Middle East, and had urged that every effort be made with a view to translating that consensus into urgent and practical steps.

166. Some members had called on all parties concerned to work constructively towards ensuring that nuclear programmes in the Middle East were dedicated exclusively to peaceful purposes.

167. Some members had emphasized the importance of dialogue and confidence-building in addressing the challenges facing the Middle East in that regard.

168. The relevance of convening a forum on experiences relevant to the creation of a NWFZ in the Middle East, mandated by the 44th regular session of the General Conference, had been highlighted.

169. Several members had stressed that, for the forum to be successful, its agenda should reflect the importance of establishing a NWFZ in the Middle East.

170. Several members had welcomed the fact that the Director General's report indicated a possible convergence of views on convening the forum and had requested the Director General to continue consultations with the Member States of the Middle East in that regard.

171. With those comments, he assumed that the Board wished to take note of the Director General's report contained in document GOV/2008/29/Rev.1, which would also be before the General Conference pursuant to the request made of the Director General in resolution GC(51)/RES/17.

172. It was so decided.

## 12. Any other business

173. Ms GOICOCHEA ESTENOZ (Cuba)\*, speaking on behalf of NAM, thanked the Director General for his information related to the Syrian Arab Republic in his introductory statement<sup>3</sup>. In that regard, at the NAM's 15th Ministerial Conference held in Tehran from 27 to 30 July 2008, the Ministers had adopted a final document in which it was stated:

“The Ministers underscored the Movement's principled position concerning non-use or threat of use of force against the territorial integrity of any State. In this regard, they condemned the Israeli attack against a Syrian facility on September 6, 2007, which constitutes a flagrant violation of the UN Charter and welcomed Syria's cooperation with the IAEA in this regard.”

174. 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, and Montenegro, Iceland, member of the European Economic Area, as well as the Republic of Moldova and Ukraine, expressed concern about the possibility that Syria had not declared all its nuclear facilities and plans. Any State with a comprehensive safeguards agreement was obliged to declare to the Agency the plans for any nuclear facilities once it had decided to construct them. It was essential that the Agency could conduct all the investigations and inspections necessary to study the information at its disposal in order to provide the international community with the requested assurances. The EU supported the activities conducted by the Agency in fulfilment of its statutory mission to verify the nuclear activities of States and the absence of undeclared activities, and to report its findings to the Board.

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<sup>3</sup> See GOV/OR.1215 para 25.

175. The EU welcomed the fact that the Agency had been able, upon request, to visit the alleged construction site of a clandestine reactor in Syria. However, it noted with concern that Syria had not responded to the Agency's other demands. The EU hoped that the Agency could continue its investigations with a view to presenting to the Board a full report on Syrian nuclear activities as soon as possible.

176. The EU called on Syria to cooperate fully with the Agency and show maximum transparency by supplying all the information and providing the access the Secretariat requested. Syria should also sign and ratify an additional protocol to show its commitment and give the Agency additional means to conduct its investigations. The Syrian case confirmed that the EU was justified in calling on all countries to sign and ratify an additional protocol, which was essential for the Agency to be able to verify the absence of undeclared nuclear material and activities.

177. Mr GALANXHI (Albania) expressed concern over the level of cooperation between the Agency and Syria. Any nuclear programme, at whatever stage of development, should be subject to Agency verification and monitoring. His country believed that there was a need for information and assurances as to the exclusively peaceful nature of any nuclear programme. That was one of the fundamental reasons for the Agency's existence and should be respected.

178. As a State Party to the NPT, Syria had an obligation to report the planning and construction of any nuclear facility to the Agency. The case of the Al Kibar facility needed to be fully clarified. Syria's admission of Agency inspectors in June had been a promising step, but follow-up actions were also required.

179. Albania considered the additional protocol to be an important tool that, if fully implemented, could strengthen the Agency's investigative powers to verify compliance with NPT safeguards obligations and provide the Agency with the ability to act quickly on any indicators of undeclared nuclear material, facilities or activities. The real beneficiary of such action was not the Agency as such, but all its Member States.

180. Albania urged Syria to cooperate fully with the Agency and allow the inspectors to perform their duties so that all issues needing clarification could be dealt with. Albania would welcome a report by the Director General on the issue by November.

181. Mr AMANO (Japan) echoed the Director General's request to Syria to show maximum cooperation and transparency and provide all the information needed by the Agency to complete its assessment. Furthermore, Japan urged Syria to sign, ratify and implement an additional protocol to ensure further transparency.

182. Ms GERVAIS-VIDRICAIRE (Canada) expressed concern about recent revelations that pointed to possible undeclared facilities and activities in Syria and about possible nuclear cooperation between Syria and the DPRK. Given the serious implications for the integrity of Syria's safeguards obligations, Canada fully supported the Director General's efforts to investigate the situation, and looked forward to a written report on the Agency's findings.

183. Canada believed that the issue should be considered under the standard nuclear verification item of the Board's agenda.

184. Canada encouraged Syria to cooperate fully with the Agency in resolving the matter, including through the provision of access to such individuals, documents and locations as the Secretariat deemed necessary.

185. Mr SHANNON (Australia) said that any information pointing towards Syria's apparent failure to declare the construction of a nuclear reactor to the Agency in conformity with its obligations under

Code 3.1 of the Subsidiary Arrangements had to be treated seriously. His country was encouraged by the Agency's visit to Al Kibar in June 2008 and noted that samples taken from the site were still being analysed. It was regrettable that Syria had not yet responded to the Agency's request for access to additional information and locations. Australia saw no justification for Syria making such access contingent on the results of samples taken during the first visit. Environmental samples from Al Kibar alone were unlikely to provide conclusive evidence of the nature of the facility under development there prior to September 2007, and wider access to sites and individuals was likely to be needed to resolve the many questions about Syria's nuclear activities. Australia therefore supported the Director General's call on Syria to show maximum cooperation and transparency and provide all the information needed by the Agency to complete its assessment.

186. The situation illustrated the importance of States concluding an additional protocol. Syria was one of just seven States with comprehensive safeguards agreements and significant nuclear activities that had yet to sign an additional protocol. Australia urged Syria to sign, ratify and implement an additional protocol at the earliest possible date.

187. Australia had considered it appropriate to discuss the Syrian nuclear issue under agenda item 9 but had agreed, in order to facilitate the work of the meeting, to the Chairman's ruling that it be discussed under item 12. Australia's agreement to delay its statement did not imply its acceptance of any precedent for closing or deferring debate on a matter clearly related to the subject under discussion, in line with Rule 23(d) of the Provisional Rules of Procedure.

188. His delegation requested the Deputy Director General for Safeguards to elaborate on the issues that the Agency was investigating and also on Syria's response to the Agency's request over two months previously for access to additional information and locations.

189. Australia looked forward to a written report from the Director General prior to the next session of the Board, detailing the Agency's requests to Syria, Syria's responses and the Agency's findings.

190. Ms FEROUKHI (Algeria) noted from the Director General's introductory statement that a team of Agency experts had visited the Al Kibar site where it had taken environmental samples that were still being analysed and that, thus far, there had been no indication of the presence of nuclear material at the site. Algeria welcomed the ongoing cooperation of the Syrian authorities with the Agency. However, her delegation wondered why the information concerning the Syrian issue had not reached the Agency until almost one year after the installation had been destroyed by an attack launched by Israel. That attack against a sovereign State which was party to the NPT and a member of the Agency, had been carried out against international law and contrary to Article 2.4 of the United Nations Charter, which called on all Members to refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Therefore the destruction of the installation at Al Kibar eroded the authority of the Agency and the integrity of its safeguards regime, which constituted a foundation of the NPT. Algeria encouraged Syria to continue its cooperation to clear up any remaining questions.

191. Mr LÜDEKING (Germany), addressing the issue of the multilateralization of fuel cycle activities, said that a number of important proposals had been put forward on the subject, including one by his country on a multilateral enrichment sanctuary project. That proposal provided a realistic and viable approach which addressed the growing needs of countries interested in developing nuclear energy and also addressed in an effective manner the shared concern of nuclear proliferation.

192. The general outline of the German proposal had been circulated in documents INFCIRC/704 and INFCIRC/727. It was based on two pillars. It ensured that interested States could establish one or several multilateral enrichment companies, which would operate under regular market conditions as

new actors in the international enrichment market, and would be located in an area administered by the Agency.

193. With the help of national legal and technical experts, and following very useful discussions with Agency experts, Germany had drafted a model host State agreement and a model multilateral framework agreement, which laid the legal basis for those two pillars. The preparatory process for those model agreements had demonstrated the legal soundness of the concept put forward. The multilateral enrichment sanctuary project fell within the scope of the functions that the Agency was authorized to exercise under its Statute. The host State agreement followed existing agreements of its kind. For matters related to liability and licensing, a legal basis had been found. Details had to be examined in the light of the interests and needs of potential participants in the project. In that connection, he drew attention to document INFCIRC/735, setting out and explaining the contents of those agreements in more detail.

194. Germany was ready to consult with all interested parties on details and further steps that could assist the development of its proposal. It was especially interested in hearing the opinion of those countries planning to develop new programmes for electricity generation using nuclear power. Germany would continue to work on the details of the concept with a view to facilitating its implementation. It was looking forward to in-depth discussions on fuel supply assurances and the multilateralization of the fuel cycle at the 52nd regular session of the General Conference. His delegation had taken note of the relevant remarks made at the Board meetings during the current week, for example the comments made by the representative of Cuba on behalf of NAM under agenda item 10.

195. Mr SCHULTE (United States) said that the establishment of multilateral arrangements for reliable access to nuclear fuel would strengthen and encourage the expansion of peaceful nuclear energy while reducing proliferation risks. The current international market for nuclear fuel was functioning well, but a back-up mechanism could provide States with additional confidence that they did not need to invest in expensive and unnecessary sensitive fuel cycle technologies. Many States had already made that choice.

196. The Director General's framework, submitted to the Board in June 2007, provided a good basis for discussion of further development of appropriate mechanisms. The numerous ideas that had been put forward were not mutually exclusive and a diversity of approaches could enhance confidence, allow flexibility and provide complementary options for countries considering nuclear energy. The matter needed to be studied further and it was time for the Board to have a thorough discussion of those issues, perhaps in the context of concrete proposals and perhaps as early as November.

197. In response to the concern expressed by some members that a mechanism for reliable access to nuclear fuel, operating under the auspices of the Agency, would somehow limit their sovereignty, he said that participation in such a mechanism would be purely voluntary and such mechanisms would be intended to increase, rather than limit, access to peaceful nuclear energy.

198. The United States was encouraged by the responses to the NTI challenge grant. Two years previously, the Agency had sponsored a special event on nuclear fuel supply at which former United States Senator Sam Nunn had announced that the NTI would contribute \$50 million to help the Agency create a fuel reserve provided the Agency took the necessary actions to establish the reserve and provided one or more members contributed an additional \$100 million in funding. The United States had pledged approximately \$50 million, Norway had pledged \$5 million and the United Arab Emirates had pledged \$10 million in response to the challenge. Approximately \$35 million still had to be raised. He urged all members in a position to do so to contribute what they could to meet the NTI

challenge. At the same time, he urged the Board to take the necessary action to establish a mechanism for reliable access to nuclear fuel in order to take advantage of the NTI grant and subsequent pledges.

199. During the 2007 General Conference, the United States had announced that the Department of Energy would launch a next generation safeguards initiative to ensure that modern technology, the best scientific expertise and adequate resources were available to keep pace with expanding Agency responsibilities. Since then, the Department had begun a five-year programme to reinvigorate United States capabilities to support international safeguards. The programme addressed safeguards needs in general, including full and universal implementation of the necessary safeguards authorities, developing new safeguards concepts such as institutionalizing safeguards in the facility design process, promoting new technologies to meet safeguards needs for both declared and undeclared activities, attracting and retaining the subsequent generation of safeguards experts, and promoting safeguards-conscious infrastructures in countries planning or expanding nuclear energy programmes.

200. Two weeks previously, the United States had hosted an international meeting with safeguards experts from the Agency and around the world. Initial discussions had demonstrated a need to cooperate in developing new safeguards technologies, the importance of instilling a safeguards culture in developing the infrastructures to support nuclear power programmes as well as the opportunities for international cooperation in training and career development for safeguards professionals. Without effective safeguards to promote confidence and security, the bright opportunities available for the global expansion of nuclear power could be at risk. The United States encouraged other countries to step up their support for international safeguards and looked forward to expanding international collaboration.

201. Ms MACMILLAN (New Zealand)\* expressed concern about reports of possible undeclared activities in Syria. Each State party to the NPT had an obligation to report the planning and construction of any nuclear facility to the Agency under its safeguards obligations. Such information was essential for the Agency to carry out its verification mandate. At its meetings in June, the Board of Governors had called on Syria to cooperate fully with the Agency by providing information and access to inspectors to allow the Agency to carry out that mandate.

202. New Zealand welcomed Syria's cooperation thus far with the Agency and the ongoing dialogue on the issue. The Agency should continue to work with Syria in order to carry out a thorough investigation of possible undeclared activities in that country. New Zealand encouraged Syria to increase its cooperation with the Agency so as to bring about a speedy resolution of the issue and looked forward to a report from the Director General at the November Board meeting.

203. Mr KIM Sung-Hwan (Republic of Korea)\* noted that an Agency team had visited Syria in June and had conducted initial discussions with the Syrian authorities concerning the Al Kibar facilities. With Syria's cooperation, the Agency team had been given access to the site and had taken environmental samples from there. He also noted that the Agency had requested access to additional information and locations in order to assess the veracity of information made available to the Agency.

204. His country called on Syria to cooperate fully with the Agency by undertaking the transparency measures necessary to facilitate the Agency's work. He requested the Secretariat to submit a report on the issue by the November meeting of the Board.

205. The Republic of Korea was of the view that the issue of Syria should be discussed under the nuclear verification agenda item at the subsequent Board meeting.

206. Mr JOHANSEN (Norway)\* said that it was vital for the Agency to have access to the relevant Syrian sites and facilities in order to gather all possible information to address proliferation concerns. His country welcomed the encouraging fact that the Agency had been able to visit Al Kibar in June

2008. Syria needed to show full cooperation and transparency, and provide all the information requested by the Agency to complete its assessment. Norway looked forward to the Agency's report on the issue in due course.

207. Mr SOLTANIEH (Islamic Republic of Iran)\* said at the outset that whether or not the target had been a nuclear site, Israel's attack on Syria constituted a military aggression on a sovereign State, which was a violation of the United Nations Charter and international law.

208. The statement delivered by the Governor from the United States of America clearly affirmed that Israel had attacked the site because the United States and Israel believed it to be nuclear. Resolution GC(XXXIV)/RES/533 of 1990 recalled that any attack or threat of attack against nuclear facilities constituted a violation of the United Nations Charter, international law and the Statute of the Agency, and recognized that the United Nations Security Council would have to act immediately against the aggressor.

209. Neither the Agency's Board of Governors nor the Security Council had acted pursuant to that resolution with respect to the attack on Syria. If the reason for their lack of action was that the site was not involved in any nuclear activities, as asserted by Syria, then the resolution did not apply. There was therefore no justification for the Agency to get involved and send a team to Syria. The Security Council, however, should immediately condemn the aggression against a sovereign State and take serious measures to prevent such barbaric behaviour by a regime with a dark record of occupation and aggression. Israel's aggressive policies, plus its nuclear weapon capabilities, non-adherence to any international non-proliferation or disarmament treaties and violation of over 30 resolutions of the United Nations and the Agency, posed a serious security threat to regional and global peace and security.

210. The Syrian issue, like the Iranian issue, was merely a pretext for a more serious strategic plan, namely modification of the statutory objectives and functions of the Agency. Certain Western countries had a hidden agenda to change the status of the Agency from being the sole independent technical organization to being a subsidiary body of the United Nations, or even of the Security Council. Use of the label 'United Nations watchdog' by the Western media was a worrying indication of that. Recent attempts to involve the Security Council in the Agency's safeguards activities and even in other internal affairs, such as technical cooperation projects, were a crystal clear sign of a well planned plot against the integrity and the authority of the Agency. Moreover, doing so under the pretext of increasing the Agency's authority was absurd.

211. A serious attempt had been made to modify the Agency's safeguards mandate by introducing the additional protocol in the 1990s, under the pretext of the situation in Iraq. With respect to the Iranian nuclear issue those same few countries had tried to turn the additional protocol from a voluntary instrument into a legally binding one. Now, in promoting measures that went beyond the additional protocol, such as 'transparency', they were planning to create a new, legally binding instrument called the 'additional protocol plus'. Also under the pretext of the Iranian nuclear issue, the United States had proposed the establishment of a committee for strengthening safeguards, the purpose of which was to modify the Agency's safeguards mandate to increase the degree of intrusiveness into the national security of Member States. Fortunately, owing to the vigilance of the majority of Member States, the committee had failed after two years.

212. The United States had not proposed application of the additional protocol and the comprehensive safeguards agreement to its own nuclear material, activities and facilities, nor had it proposed an arrangement for non-violation of Article VI of the NPT or establishment of a committee for disarmament. Instead, it was pursuing a discriminatory and dual standard approach towards the non-nuclear-weapon States. It was clear that the United States was not seeking to strengthen the



verification system, but was using the Agency to promote its own interests. Under the pretext of combating nuclear networks, the Agency had been forced to get involved in intelligence activities, including investigation and interaction with networks and intelligence agencies of certain countries. Such activities were undoubtedly beyond its statutory mandate. Furthermore, the Agency was being forced to get involved in activities related to the conventional military activities of Member States, which was also outside the scope of its Statute.

213. Iran urged all Member States to exercise more vigilance, and not to see any development such as the attack against Syria in isolation, but against the wider backdrop of its impact on global security.

214. Ms GOICOCHEA ESTENOZ (Cuba)\* noted with satisfaction Syria's cooperation with the Agency and welcomed the fact that no indication of nuclear material had been found in the samples analysed thus far. Cuba believed that any measures requiring Syria to go beyond its safeguards obligations had to be negotiated with that country, bearing in mind their voluntary nature and fully respecting Syria's sovereignty. Cuba deplored the fact that information concerning Israel's attack on the Syrian facility had not been passed on to the Agency until one year after it had taken place. The withholding of such information by a Member State affected the Agency's verification capabilities, and Cuba condemned the action of the country concerned. Cuba also condemned Israel for its violation of the United Nations Charter, which had an impact on the safeguards system and international peace and security.

215. Mr OTHMAN (Syrian Arab Republic)\* noted that some Board members had apparently interpreted the statement by the Director General as they pleased. The Director General had in fact stated that Syria had been cooperative and that so far there was no indication of any nuclear material in the samples taken from the site. It was therefore clear that the Board's discussion of the matter fell under any other business.

216. Syria had been one of the first States to join the Agency and to ratify the NPT and it had never breached any of its international obligations. On the contrary, it had an honourable record of compliance with its comprehensive safeguards agreement since signing it in 1992. The Agency's inspectors carried out regular annual visits, most recently in August 2008, and Syria provided them with all necessary facilities.

217. In accordance with its undertaking to the Board in June 2008, Syria had permitted an Agency team to visit the military site that had been destroyed. During the visit the Syrian Government had offered all the facilities agreed upon between the two sides, including those required for visual inspections, environmental samples and radiation measurements, not only on the destroyed site but also in the surrounding area. Of course, as noted by the representative of the United States, just like military facilities in other parts of the world, it was far from civilian areas.

218. The two sides had agreed from the outset that there would be just one visit on account of the military character of the area. In the minutes of a meeting with the Agency, Syria had referred to the fact that it regarded all allegations by the United States and other sources as trumped-up charges by intelligence agencies that it rejected absolutely. Moreover, the inquiries exceeded the scope of Syria's obligations under its comprehensive safeguards agreement and had no bearing whatsoever on the military site destroyed by Israel. Syria was therefore under no obligation to reply to them.

219. Unfortunately, the United States administration's delay in publishing the satellite images, in addition to some images interpreted as showing nuclear reactor components and the use of some computer re-processed images to serve the pre-established purpose of the current United States administration and Israel, was merely a strategy to buy time for the fabrication of a new pretext to attack Syria and draw it into a campaign that would set the entire region ablaze.

220. The United States administration had recently admitted through the chief of its intelligence service that it had been involved with a State that was not a party to the NPT or the Agency's safeguards regime in an attack on Syria, which was a member of the United Nations and of the Agency and a State that had concluded a comprehensive safeguards agreement. Instead of calling for further inquiries into the matter now, the administration should have prevented such an attack, which was a flagrant violation of the Charter of the United Nations and all the relevant international resolutions.

221. If the United States administration was really working, as it claimed, to prevent nuclear proliferation, and if the information it had obtained was accurate and well-documented, it should have reported it to the Agency at once instead of joining Israel in applying its own version of the law and attacking a Member State of the Agency and destroying facilities on its territory. It was surprising that the administration was now asking the Agency to investigate an attack in which it was involved itself as a prime mover.

222. It was regrettable that the Board, instead of condemning such an act of aggression and imposing sanctions on the two States concerned in accordance with relevant international resolutions, was asking the victim to exhibit transparency and cooperation, or even to fabricate grounds that would justify the attack.

223. He recalled the remarks of the United States Secretary of State in the Security Council before the occupation of Iraq and the images he had shown of alleged mobile factories for the production of weapons of mass destruction, which had proved to be a figment of the imagination. He also recalled that in 2003 Syria, acting on behalf of the Group of Arab States, had sponsored a binding Security Council resolution on the establishment of a NWFZ in the Middle East. Its adoption had been thwarted by a United States veto.

224. Syria had exercised self-restraint and refrained from responding to the Israeli attack and infringement of its sovereignty, responding to international concern to avoid escalating an already tense situation and triggering another war in the Middle East. However, Syria reserved the right to respond at an appropriate time and place.

225. Syria called on the international community to take a responsible stand on the series of allegations against it, since they would not only fuel tension in one part of the Middle East but trigger a disastrous war in the region as a whole. Who was the real proliferator of nuclear weapons in the Middle East? Was it Syria or the United States administration and Israel? Israel was the main source of all the region's problems. Were it not for its arsenal, which it had used on many occasions to attack its Arab neighbours, the States of the region would not be spending vast amounts of money on conventional weapons. Israel's nuclear arsenal, supported by the United States, was a source of deep concern not only in the region but throughout the international community.

226. The argument that pressure could not be brought to bear on Israel because it was not a party to the NPT was untenable. It was regrettable that the international community was still omitting to take serious action to persuade Israel to accede to the NPT and sign a comprehensive safeguards agreement with the Agency, although other States were being pressed at the same time to sign an additional protocol despite the fact that such a step was entirely voluntary.

227. Syria had cooperated fully and transparently with the Agency on the matter under discussion and would continue to do so. However, it would not under any circumstances make disclosures about military sites that would jeopardize its national security, especially since it was still in a state of war with Israel. It also asserted its right to maintain the confidentiality of all the information obtained by the Agency's team from the destroyed site. There was no link between that site and any other in the country.

228. With regard to the claim by the representative of the United States that Syria had failed the test<sup>4</sup>, he wondered how well the United States had fared in its test in Iraq, where no weapons of mass destruction had been found, and in many other tests throughout the world. He also wondered when the United States administration would cease taking decisions that claimed the lives of hundreds of thousands of innocent civilians.

229. Mr HEINONEN (Deputy Director General for Safeguards) said that the Agency team had been given access to all the buildings at Al Kibar and the buildings functionally related to the site. The team had also been allowed to take all the environmental samples required and to use radiation measurement instruments. Also, information had been provided as to the current use of each existing building. Thus far, there had been no indication that the buildings were currently being used for nuclear purposes.

230. However, there were still quite a few environmental samples to be analysed and those results should be ready in two to three weeks' time. The subsequent course of action would depend on whether the samples showed the existence of nuclear material.

231. The only information that Syria had provided to the Agency about the destroyed building was a statement that it was a military facility with no nuclear connections. The Agency had asked Syria to provide further information on the building, including its design, purpose and any services it might have needed, and had also requested visits to other sites.

232. The DIRECTOR GENERAL said that the Agency took its safeguards verification responsibilities very seriously. Every State with a comprehensive safeguards agreement had a duty to report the construction of a nuclear facility, and also to share information with the Agency at an early stage to enable it to meet its verification responsibilities. He expressed concern over the gratuitous use of force before the Agency could gain access to the evidence; once evidence had been eliminated it became difficult to establish the facts. The Agency was in a very difficult situation because it had to base its investigation on a facility that was no longer there. The Secretariat had not yet provided a report on the issue, but would do so once it had enough facts to make an assessment of the situation. If no nuclear material was found, the situation would be of a different nature because the Agency's mandate under the safeguards agreement was based on nuclear material. In that case, the Agency would continue to ask Syria for transparency, voluntary measures and maximum cooperation. The Agency was not trying to avoid the issue in any way, but it was a very complex situation, particularly since the evidence had been eliminated.

233. Syria had cooperated well thus far. The reason that Syria had been late in providing additional information was that the Agency's interlocutor in Syria had been assassinated. The Agency would continue to work with Syria on a technical basis. The system had to continue to be based on integrity and on compliance with and application of all the rules. The system would not be politicized and he urged Member States not to jump the gun. Given sufficient time, the Agency would be able to provide as full an assessment as possible.

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<sup>4</sup> See GOV/OR.1220 para. 155.

## – Closing of the meeting

234. The CHAIRMAN said that, as it was his last meeting as Chairman of the Board, he would like to summarize the results of the Board's work over the preceding year. Since September 2007, five regular Board meetings, one special Board meeting, two committee meetings and meetings of the working group on TCF targets had been held. Altogether that amounted to 4 weeks, or 20 days of morning and afternoon sessions. Each meeting had been preceded by at least 40 rounds of consultations, led by himself, and involving the geographical groups, Board members and Agency staff, totalling some 150 hours of additional meetings. In addition, there were numerous telephone calls and short meetings, which were all essential to ensure the smooth and efficient conduct of the Board's business.

235. He had tried to maintain the principles of transparency, openness, friendliness and impartiality with all members of the Board and regional groups throughout his chairmanship, even when that had demanded more effort and time. He had also maintained continuous communication and interaction with Member States and the Secretariat to reach a better understanding of issues and positions with a view to reaching an agreement. In many cases he had been grateful for the valuable advice provided by Member States and the Secretariat and their suggestions on which course of action to take. He believed that personal involvement and attention to the details had led to deeper and more accurate understanding of the issues. He had benefited from the qualifications and expertise of his Vice-Chairs, to whom he had delegated such tasks as chairing Board meetings and working groups.

236. He had sought to overcome obstacles and achieve the Board's objectives by consensus, thus maintaining the Vienna spirit. Reaching agreement on the draft programme and budget for 2009 had been one such example. He had always tried to maintain cordial relations during deliberations and decision-making.

237. Notwithstanding difficulties, with the Board's cooperation and constructive approach, much good work had been done. The year had begun with the General Assembly's adoption by consensus of the resolution approving the Agency's 2006 annual report, the first time in many years that it had been adopted without a vote. The Board had adopted the TCF targets for 2009–2011 and had secured funding for AIPS and, as a result, the implementation of IPSAS by 2010. The cash surplus collected by the Secretariat, although lower than estimated, had been sufficient to issue the necessary contracts for launching AIPS. In the course of the year, the Board had dealt with very technical, complex and sensitive issues related to nuclear verification in a manner that had maintained the unity of the Board and the mutual respect that was essential to its deliberations. The Board had approved the safeguards agreement with India and had received the report of the Commission of Eminent Persons on the future of the Agency.

238. He expressed his deep appreciation and gratitude to all members of the Board and of the Agency, the Director General and the Secretariat. The preceding year had been a fantastic personal and professional experience, and he would always remember the honour he had felt in serving the Agency as Chairman of the Board.

**The meeting rose at 7.05 p.m.**