

IAEA Board of Governors

Record of the 1225th Meeting
GOV/OR.1225

Nuclear Verification

(c) Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran

Board of Governors

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Record of the 1225th Meeting

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¹ GOV/2008/63.

Attendance

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

Ms FEROUKHI		Chairperson (Algeria)
Mr MONAWAR	_____	Afghanistan
Mr HOXHA	}	Albania
Mr GALANXHI		Algeria
Mr KHELIFI		Argentina
Mr CURIA		Australia
Mr KRUSE		Brazil
Mr VALLIM GUERREIRO		Canada
Mr WOOD		China
Mr TANG Guoqiang		Cuba
Ms GOICOCHEA ESTENOZ		Ecuador
Mr GARCÉS-BURBANO		Egypt
Mr FAWZY		Finland
Ms KAUPPI		France
Mr CARON		Germany
Mr LÜDEKING		Ghana
Mr BAAH-DUODU		India
Mr KUMAR		Iraq
Mr ALSHARIA		Ireland
Mr COGAN		Japan
Mr AMANO		Lithuania
Mr MAKSIMOVAS		Malaysia
Mr ARSHAD		Mexico
Mr FUENTES SANCHEZ		New Zealand
Ms MACMILLAN		Philippines
Ms LACANLALE		Romania
Mr NECULĂESCU		Russian Federation
Mr BERDENNIKOV		Saudi Arabia
Mr AL-SAUD		}
Mr MINTY		
Mr GUMBI		South Africa
Mr ROSELLÓ SERRA		Spain
Mr STEINMANN		Switzerland
Mr FIDAN		Turkey
Mr SMITH		United Kingdom of Great Britain and Northern Ireland
Mr SCHULTE		United States of America
Mr VEDOVATTI RAFFO		Uruguay
Mr ELBARADEI	_____	Director General
Mr ANING		Secretary of the Board

Representatives of the following Member States also attended the meeting:

Angola, Armenia, Austria, Belarus, Belgium, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Ethiopia, Greece, Holy See, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Israel, Italy, Jordan, Republic of Korea, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Mongolia, Morocco, Namibia, Netherlands, Norway, Pakistan, Panama, Paraguay, Poland, Qatar, Serbia, Slovakia, Sweden, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United Arab Emirates, Bolivarian Republic of Venezuela, Yemen, Zimbabwe.

Abbreviations used in this record:

ASEAN	Association of Southeast Asian Nations
CBM	confidence-building measure
DPRK	Democratic People's Republic of Korea
HEU	high-enriched uranium
LEU	low-enriched uranium
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
R&D	research and development

5. Nuclear Verification

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

1. Mr BERDENNIKOV (Russian Federation) commended the Secretariat on its ad hoc monitoring and verification activities at a number of nuclear facilities in the DPRK.
2. His country attached great importance to the implementation of the obligations assumed within the framework of the six-party talks process and reflected in the Joint Statement of 19 September 2005, the statement of 13 February 2007 and the agreement of October 2007. The Russian Federation welcomed the resumption by the DPRK of the work on the disablement of the nuclear facilities at Yongbyon and hoped that it would be completed soon.
3. His country, which had great confidence in the Agency's verification capabilities, believed that the verification activities in the DPRK should take advantage of the Agency's expertise and experience in that field.
4. The Russian Federation continued to regard dialogue as the appropriate way of arriving at a comprehensive resolution of the issue of denuclearizing the Korean Peninsula, and it continued to urge the return of the DPRK to the NPT and the Agency.
5. Mr WOOD (Canada) said that his country, which was in favour of a peaceful solution to the DPRK nuclear issue, looked forward to further progress in the six-party talks.
6. Canada welcomed the completion of the initial actions agreed upon in February 2007 for implementation of the six-party Joint Statement, including the shutdown and sealing of the nuclear facilities at Yongbyon and the return of Agency personnel to the DPRK for monitoring and verification activities.
7. It also welcomed the October 2007 agreement on second-phase actions and the steps taken towards implementation thereof, including the disablement work at Yongbyon. It was reassuring that the work in question was proceeding once again, and his country looked forward to its timely completion.
8. Following the recent removal of the DPRK from the United States' list of State sponsors of terrorism, his country was looking forward to finalization of the six-party talks process and the adoption of a verification protocol in the very near future. It also believed that the Agency should play a major role in the verification process.
9. Canada looked forward to the complete and timely fulfilment of all the commitments made in the September 2005 Joint Statement and of all the obligations set out in Security Council resolution 1718 (2006). In considering the scope and nature of its engagement with the DPRK, Canada would continue to take account of that country's progress towards meeting its commitments.
10. Ms MACMILLAN (New Zealand) said that her country, while it had been concerned at the obstructive actions of the DPRK reported to the Board in September, was pleased to learn that the DPRK had resumed reactor core discharge activities at Yongbyon. It was also pleased that Agency inspectors had been granted access to the experimental nuclear power plant, the nuclear fuel

fabrication plant and the reprocessing facility at Yongbyon, where they had been able to reapply containment and surveillance measures.

11. New Zealand, continued to support the efforts being made to arrive at an agreement on a verification protocol in the context of the six-party talks and remained of the view that the Agency — as the only organization with the necessary mandate — should play a key role in the verification process. It also hoped that the DPRK would continue to cooperate with the Agency without interruption and looked forward to receiving an update on the issue at the Board's next series of meetings.

12. Mr ARSHAD (Malaysia) said that his country had been pleased to learn, from document GOV/INF/2008/14, that the DPRK had granted Agency inspectors access to its 5 MW(e) experimental nuclear power plant, its nuclear fuel fabrication plant and its radiochemical laboratory. It also welcomed the resumption of core discharge activities at the reactor and the reapplication of containment and surveillance measures at the radiochemical laboratory. It encouraged the DPRK to cooperate with the Agency and maintain the positive momentum in all ad hoc monitoring and verification activities, in which the Agency was playing an important role.

13. Malaysia supported all diplomatic, non-confrontational efforts aimed at achieving verifiable denuclearization of the Korean Peninsula through the six-party talks process. It looked forward to the normalization of relations between all countries participating in that process through full implementation of the Joint Statement of 19 September 2005. His country stood ready to assist in ensuring peace and security on the Korean Peninsula through the ASEAN Regional Forum, of which the DPRK was also a member, with a view to strengthening the nuclear non-proliferation regime in the Asia-Pacific region as a whole.

14. There was now an opportunity for certain difficulties to be overcome and further progress to be made in the six-party talks and his country would like to see an increase in mutual trust and understanding, with all six parties demonstrating flexibility and a readiness to compromise and strive together for timely, comprehensive and balanced implementation of the second-phase actions, thus taking the six-party talks process to a new level. Malaysia greatly appreciated the role that China was playing in that process.

15. Mr STEINMANN (Switzerland) noted that, after a short interruption, the Agency was once again able to verify disablement activities at Yongbyon. The Agency had emphasized that it was not involved in the six-party talks process and thus was not fully informed of the details thereof. Furthermore, until the status of the DPRK vis-à-vis the NPT had been clarified, the Agency's safeguards responsibilities with respect to the DPRK remained unclear.

16. Since the September 2008 meetings of the Board there had been contradictory developments: on the one hand, understandings had been reached on 11 October between the United States and the DPRK on verification; on the other hand, a hold-up had arisen with respect to the issue of access to undeclared sites based on mutual consent under the verification mechanism. Switzerland hoped that the parties would soon resolve their differences of interpretation. It also called upon the DPRK to return to the NPT.

17. Mr FAWZY (Egypt) said that his country attached great importance to the international nuclear disarmament and non-proliferation regime whose main pillars were the NPT and the comprehensive safeguards system. It hoped that the forthcoming round of six-party talks would lead to the restoration of normal relations between the DPRK and the Agency which, in his country's view, was the sole impartial international body technically qualified to apply safeguards. In Egypt's view, the countries participating in the six-party talks should ensure that the Agency was enabled to play its proper role, since reliance on sources other than the Agency for information about the nuclear programmes of

certain States could make international crises still more complicated, hindering nuclear disarmament efforts and the establishment of nuclear-weapon-free zones.

18. His country hoped that the international community at large, and especially the countries participating in the six-party talks, would build on the recent positive developments and proceed in a balanced manner towards verifiable denuclearization of the Korean Peninsula, which would strengthen the international nuclear disarmament and non-proliferation regime.

19. Ms LACANLALE (Philippines) noted the statement by the Director General to the effect that the Agency had been able to monitor and verify disablement activities at Yongbyon and Taechon. Her country looked forward to the DPRK's continued cooperation with the Agency in the verification process through greater transparency, the provision of access to facilities and documents, and agreement to a firm timetable for disablement. She expressed the hope that, during the next round of six-party talks, the parties would regain the momentum achieved in earlier rounds and looked forward to receiving updates on developments.

20. The Philippines had consistently advocated a peaceful and just solution to the Korean Peninsula denuclearization issue. The six-party talks had a critical role to play in that regard and her country hoped that all the countries participating in them would live up to their respective commitments and obligations. Through its participation in ASEAN and the ASEAN Regional Forum, the Philippines was endeavouring to help create an environment of trust and confidence conducive to the six-party talks and the DPRK's engagement with the international community. It also hoped that conditions favouring the return of the DPRK to the NPT and the resumption of comprehensive safeguards implementation by the Agency in the DPRK would be created soon.

21. Mr GUMBI (South Africa) said that his country continued to support the six-party talks and welcomed the progress made with regard to continued monitoring and verification by the Agency. It encouraged all parties to continue their efforts to bring about lasting peace and security in the region and to work toward the denuclearization of the Korean Peninsula. Only dialogue in good faith and mutual trust could lead to a solution satisfying all parties and he urged all concerned to fulfil the commitments they had made with respect to the complete and verifiable denuclearization of the Korean Peninsula.

22. Mr PANUPONG (Thailand)* said that his country was a strong supporter of the dialogue taking place within the framework of the six-party talks with a view to achieving a peaceful solution of the DPRK nuclear issue. It looked forward to a normalization of relations between the parties through full implementation of the Joint Statement of 19 September 2005. It was of the opinion that the confidence-building measures which were being promoted within, inter alia, the ASEAN Regional Forum could help create a favourable environment. Thailand attached great importance to all efforts being made by the international community to bring about a nuclear-free Korean Peninsula and lasting peace and security in the region.

23. Mr KIM Sung-Hwan (Republic of Korea)* commended the Agency on its sustained efforts in implementing the ad hoc arrangements for monitoring and verification in the DPRK since July 2007 and on the work it was doing in connection with the disablement process.

24. In June 2008, the DPRK had submitted a declaration of its nuclear programme, and in July the participants in the six-party talks had reached consensus on the full implementation of the second-phase actions and had agreed to establish verification and monitoring mechanisms. The United States-DPRK agreement on verification announced in October had given fresh impetus to the resumption of disablement measures. However, verification remained the principal pending issue and his country hoped that it would be appropriately addressed during the next round of six-party talks. To verify the completeness and correctness of the declaration submitted by the DPRK, a verification

protocol should include provisions covering such remaining issues as access to undeclared facilities and scientific procedures, including sampling. The Agency had an important role to play in the verification process.

25. The six-party talks remained the most effective forum for resolving the DPRK nuclear issue and his Government would continue working closely with the other parties. It also hoped that the international community would continue to support the DPRK denuclearization process.

26. The CHAIRPERSON, summing up the discussion, said that the Board had expressed its support for the progress made and the steps taken by the parties to the six-party talks on the implementation of the initial actions for the implementation of the six-party Joint Statement and had welcomed, in that regard, the shutdown of the relevant nuclear facilities by the DPRK and the work on the disablement of some of the Yongbyon nuclear facilities. The Board had looked forward to the successful implementation of Phase II in accordance with the Joint Statement.

27. Several members had underlined the importance of swift and full implementation of the commitments contained in the Joint Statement, leading to the full disablement and dismantlement of the nuclear weapons programme of the DPRK, including the DPRK's provision of a complete and correct declaration of all its nuclear programmes.

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

29. The Board had recalled the ad hoc monitoring and verification arrangement agreed upon in June 2007 between the Agency and the DPRK and had welcomed the fact that the Agency had continued to implement that arrangement. The Board had emphasized the indispensable role of the Agency in verifying future steps in the process, including verifying the correctness and completeness of the DPRK's declarations concerning its nuclear programmes. Several members had called for increased involvement of the Agency in the disablement and dismantlement activities in the DPRK.

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

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

32. The Board had also emphasized the importance of promoting mutual trust and accommodation among the parties to the six-party talks, and of creating an atmosphere conducive to the common efforts aimed at achieving further progress on the denuclearization of the Korean Peninsula. The Board had noted in that regard the Director General's statement that he hoped that conditions would be created for the DPRK to return to the NPT soon, and for the Agency to resume implementation of comprehensive safeguards in the DPRK.

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

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

35. She asked whether her summing-up was acceptable.

36. The Chairperson's summing-up was accepted.

(c) Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran
(GOV/2008/59)

37. Ms GOICOCHEA ESTENOZ (Cuba), speaking on behalf of the Vienna Chapter of NAM, said that NAM's position of principle regarding the issue in question was reflected in the following statement adopted at the Ministerial Meeting of the Non-Aligned Movement held in Tehran from 27 to 30 July 2008:

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

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

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

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

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

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

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

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

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

38. NAM noted that, in his latest report, the Director General had once again stated that the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran, and that Iran had provided the Agency with access to declared nuclear material and had provided the required nuclear material accounting reports relating to declared nuclear material and activities. NAM also noted that the Agency had not found indications of ongoing reprocessing activities in Iran.

39. Recalling that, in his report contained in document GOV/2008/38, the Director General had expressed regret that the Agency was not in a position to provide Iran with copies of the documentation concerning the alleged studies, NAM expressed concern at the creation of obstacles which hindered the Agency’s verification process.

40. NAM noted that, in his report, the Director General had once again stated that the Agency had not detected the actual use of nuclear material in connection with the alleged studies.

41. NAM continued to believe that diplomacy and dialogue were the only way to find a peaceful solution to the Iranian nuclear issue and it encouraged all Member States to contribute positively to that end.

42. 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 Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Montenegro,

Norway, Iceland, Liechtenstein, members of the European Economic Area, and the Republic of Moldova and Ukraine, noted with regret that Iran had chosen to violate the resolutions of the Board and the United Nations Security Council by pursuing its enrichment activities and the construction of a reactor at Arak capable of producing plutonium. Indeed, Iran had developed its enrichment activities both quantitatively and qualitatively, had continued to feed UF₆ into the cascades at the Natanz facility and had just announced that it was operating over 5000 centrifuges at Natanz. Iran had continued to accumulate quantities of enriched uranium and was now in possession of over 600 kg of LEU in the form of UF₆. Iran continued to refuse to implement such instruments such as the modified Code 3.1 of the Subsidiary Arrangements General Part. The European Union was disappointed in that connection that Iran had not responded to the Agency's request to provide design information on the projected power plant at Darkhovin. Equally, it was disappointed that Iran had refused to allow inspections of the reactor under construction at Arak and took note of the Secretariat's evaluation that that refusal was incompatible with Iran's obligations under its safeguards agreement. Furthermore, it was disappointed that Iran continued to refuse to implement the additional protocol and would not provide the Agency with the transparency it needed in order to determine the nature of the country's nuclear programme. All those facts gave even more cause for concern in light of the suspected military dimensions of the programme. Many questions remained relating to the alleged studies, the reasons for and circumstances surrounding the acquisition of the uranium metal document describing activities related to the production of a nuclear weapon, the acquisition and R&D activities of institutes with military connections, and the production of components by companies belonging to the defence industry. Iran's total lack of cooperation with the Agency on such serious matters was incompatible with that country's claims to be legitimately exercising its rights under the NPT.

43. Every day that went by without Iran agreeing to cooperate with the Agency was a day lost for Iran. Equally, every day that went by without Iran accepting the offer of negotiations made by China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the High Representative of the European Union, was a missed opportunity. Every additional centrifuge developed in contravention of Security Council resolutions increased concerns and raised questions. What was Iran working on with such urgency that it could not answer the Agency's questions or enter into dialogue? It could not be independence of supply because Iran did not have the uranium reserves for a civil programme. It could not be the startup of the Bushehr power plant because Russia had already supplied the necessary fuel. Nor could it be the desire to supply fuel on the international market because Iran did not have the technology for fuel fabrication. It was time for Iran to give dialogue a chance by temporarily freezing its enrichment programme with a view to its subsequent suspension.

44. The seriousness of the situation had not weakened the European Union's resolve to find a diplomatic solution to the crisis and it continued to support the efforts of the High Representative of the European Union and the six countries. However, it would not accept a *fait accompli* Iranian policy and it called on Iran to comply with the resolutions of the Board and United Nations Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008). The European Union had welcomed the unanimous adoption of resolution 1835. It remained firmly committed to a double policy of dialogue and ongoing pressure. Iran would not achieve on the ground what it refused to negotiate with the international community, namely a responsible, non-proliferative and safe civil nuclear programme. The European Union called on Iran to rejoin international treaties relating to nuclear safety and security before starting up the Bushehr reactor. It was Iran's responsibility not to add the threat of a nuclear accident to the proliferation crisis.

45. Mr CURIA (Argentina) said it was regrettable that Iran had not applied the modified Code 3.1 of the Subsidiary Arrangements General Part related to the early provision of design information, or applied the additional protocol so as to allow the Agency to provide credible

assurances regarding the absence of undeclared nuclear material and activities. Argentina was concerned by Iran's lack of cooperation over the alleged studies and other related outstanding questions. Iran needed to provide the Agency with information and access to relevant documents and persons. Argentina called on Iran to comply without delay with the decisions of the Security Council and suspend its enrichment-related activities. It also urged Iran to allow the Agency access to the IR-40 reactor. It was essential that Iran take all necessary measures to build confidence in the exclusively peaceful nature of its nuclear programme as soon as possible.

46. Mr KUMAR (India) thanked the Chairperson and the members of the Agency for their words of condolence regarding the tragic loss of lives in Mumbai, and in particular for remembering a former member of the Indian mission who had been one of the casualties.

47. In the report contained in document GOV/2008/59, the Director General had been unable to report any progress towards addressing the concerns mentioned in his preceding report contained in document GOV/2008/38. India urged all concerned to cooperate fully with the Agency in order to achieve clarity on the matter, and to facilitate a peaceful resolution of the issue through dialogue. Iran should cooperate with the Agency in a spirit of transparency and address the concerns mentioned in the report.

48. He stressed the importance of addressing the supply side of proliferation. India believed that the Agency was the best forum available to the international community to address the technical aspects of the issue professionally and impartially, in accordance with its Statute.

49. Mr KRUSE (Australia) said that the Director General's report was brief, factual and to the point. Although it bore notable similarities to the Secretariat's earlier reports on the subject, the fact that the Board had become accustomed to such reports should not anaesthetize it to their grave import.

50. It would not be enough to say that the situation had reached a standstill, or that no progress had been made in the Agency's efforts to shed light on Iran's nuclear activities. The report actually seemed to indicate that matters had moved backwards in a number of areas. It confirmed that Iran had pressed ahead with installing, operating and experimenting with centrifuges at its facility in Natanz despite a legal obligation to suspend such activities, and despite the good-faith efforts of the five permanent members of the Security Council and Germany to negotiate a solution that would address the international community's long-standing concerns about Iran's enrichment operations and provide for Iran's civilian nuclear fuel needs.

51. Iran had continued to ignore its obligations under the modified Code 3.1 concerning the provision of design information, despite repeated calls by the Secretariat. That not only affected new facilities already announced, such as the new nuclear power plant at Darkhovin for which Iran had declined to provide design information, it also meant the Agency might not be informed until the last minute of planned modifications to existing facilities, or of any new unannounced facilities that might already be under construction.

52. Australia noted with serious concern that Iran was challenging the Agency's right to verify design information it had provided previously on the heavy water reactor under construction at Arak. Iran's obligation to allow verification of such information derived from Article 48 of its safeguards agreement and was separate from the arrangements for providing such information under Code 3.1. Such actions were inconsistent with Iran's legal safeguards obligations.

53. Unfortunately, Iran was still not implementing the additional protocol or any of the further transparency measures requested by the Agency. The Agency needed the authority provided under the additional protocol, and further access going beyond that instrument, to provide credible assurances

about the absence of undeclared activities in Iran, which was especially important in light of Iran's many years of undeclared activities and the confidence deficit created thereby.

54. It was disappointing that Iran was not only failing to implement the additional protocol, but was also not even acting in accordance with its obligations under its comprehensive safeguards agreement.

55. The Director General's earlier reports on the issue had at least given some hope that Iran might engage substantively with the Agency to address the outstanding issues relating to possible military dimensions to its nuclear programme. However, the latest report made it clear that Iran had offered no cooperation with the Agency at all. Australia urged Iran to assist the Agency in its assessment by providing it with access to documents, information and personnel to clarify outstanding issues.

56. Iran's behaviour did not appear to be that of a State genuinely interested in addressing the international community's concerns about the nature of its nuclear programme. After nearly two decades of concealing sensitive nuclear activities of serious proliferation concern, the onus was clearly on Iran to take steps to remove doubts about its peaceful nuclear intentions. With such positive steps by Iran, a diplomatic solution to the issue was achievable.

57. Mr BERDENNIKOV (Russian Federation) noted the Agency's work to clarify issues related to previous undeclared nuclear activities in Iran. That work should be carried out objectively, without politicization and on the basis of reliable facts. It was important that Iran fully implement its safeguards agreement. Iran's resuming application of the additional protocol and taking the confidence-building measures called for by the Board and the Security Council would promote progress towards the provision of credible assurances regarding not only the non-diversion of declared nuclear material but also the absence of undeclared nuclear material or activities in that country. Russia was of the view that the issue could only be resolved by political and diplomatic means and it hoped that the efforts to resume negotiations would be successful.

58. Mr WOOD (Canada) expressed his country's deep concern at the fact that the Agency had not been able to make substantive progress on issues related to the alleged studies, and other serious issues related to possible military dimensions to Iran's nuclear programme, owing to Iran's lack of cooperation. The documentation that had been presented to Iran had been derived from various sources and it was so comprehensive and detailed that it had to be taken seriously. Given the circumstances, it was essential that Iran cooperate fully and without delay to provide all requested information, clarifications and access, so that the Agency could determine that Iran's declarations were correct and complete and that its nuclear programme was of an entirely peaceful nature. Outstanding issues and concerns could best be addressed through openness, transparency and full cooperation, which was long overdue.

59. While the full resolution of the outstanding questions would be a first step in restoring confidence, Iran also needed to take additional steps. It should implement fully its safeguards agreement, including the provisions of its Subsidiary Arrangements related to design information, as agreed between Iran and the Agency pursuant to the Board decision of 1992 contained in document GOV/2554/Attachment 2/Rev.2. Canada was deeply concerned by the Director General's indication that there had been no progress on the Code 3.1 issue. It also urged Iran to ratify without delay and implement fully the additional protocol, and to cooperate proactively with the Agency in its assessment of the correctness and completeness of all declarations made. The Director General's report stated that unless Iran provided such transparency and implemented the additional protocol, the Agency would not be able to provide credible assurance about the absence of undeclared nuclear material and activities in Iran. That would be a grave situation.

60. Given the Board's lack of confidence in the peaceful nature of Iran's nuclear programme, Canada endorsed fully the resolutions passed by the Board and by the Security Council and noted with

great concern that Iran had not abided by them. As a confidence-building measure, Iran should heed the Board's requests and the requirements of Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) by suspending enrichment-related and reprocessing activities and its work on its heavy water research reactor at Arak and related projects.

61. Given the ongoing and broad interest in the issue, he requested that the report contained in document GOV/2008/59 be made public.

62. Ms MACMILLAN (New Zealand) noted that the report contained in document GOV/2008/59 identified a number of ongoing issues which gave rise to concerns about possible military dimensions to Iran's nuclear programme. Those issues related to the alleged studies, the circumstances of the acquisition of the uranium metal document, and the procurement and R&D activities of military-related institutes and companies that could be nuclear-related.

63. Her country urged Iran to cooperate with the Agency in a timely and transparent manner to provide the information and access requested that would allow the Agency to address those concerns and complete a full and accurate assessment of Iran's past and present nuclear programme.

64. New Zealand noted the ongoing operation of the Pilot Fuel Enrichment Plant and Fuel Enrichment Plant, as well as the installation of new cascades and new-generation centrifuges for test purposes. Satellite imagery indicated that work on the construction of the IR-40 reactor and operation of the Heavy Water Production Plant continued. Iran should comply without delay with all Board decisions and Security Council resolutions, particularly in relation to calls to suspend all enrichment and reprocessing activities.

65. Her country encouraged Iran to implement the additional protocol and to reconsider its decision to suspend implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part.

66. Mr TANG Guoqiang (China) welcomed the fact that the Agency continued to play a constructive role in resolving the Iranian nuclear issue. China supported the international non-proliferation regime and hoped for a peaceful resolution of the issue through diplomatic negotiations in the interests of preserving peace and stability in the Middle East. In September 2008, the Security Council had unanimously adopted resolution 1835 (2008), thus demonstrating the determination of the international community to reach a negotiated settlement. China believed that the parties concerned should step up their diplomatic efforts and maintain the process of dialogue and negotiation to ensure the comprehensive, sustainable and proper settlement of the issue. It hoped that Iran would implement in good faith the relevant resolutions adopted by the Board and Security Council and continue to strengthen its cooperation with the Agency. It also hoped that the other parties concerned would keep their patience and demonstrate flexibility so as to create favourable conditions for the resumption of negotiations.

67. Mr FAWZY (Egypt) welcomed the fact that the Agency had been able to verify that all declared nuclear activities in Iran remained peaceful, and that it had been able to resolve most of the outstanding issues related to declared nuclear activities. His country called on Iran to cooperate fully with the Agency in accordance with its legal obligations under its comprehensive safeguards agreement. However, it also acknowledged the right of all countries to preserve the confidentiality of information related to national security and conventional military activities that were not subject to international commitments.

68. Demanding of any country that it demonstrate transparency and cooperation to an extent which went beyond its legal obligations was very risky, especially if that demand was based on allegations or information whose impartiality and credibility had not been verified. Egypt called on the countries that

had submitted information to the Agency on Iran to allow the Secretariat to share that information with Iran so that it could respond appropriately.

69. Addressing the Iranian nuclear issue should constitute a step towards ridding the Middle East region of nuclear weapons. Egypt hoped that a satisfactory solution to the issue would be found within the framework of international law and through negotiations, so as to preserve security and stability in the region.

70. Mr ARSHAD (Malaysia) noted that Iran had provided the Agency with access to declared nuclear material and with the required nuclear material accounting reports in connection with declared nuclear material and activities, thus allowing the Agency to continue to verify the non-diversion of declared nuclear material in Iran.

71. Malaysia took note that, since March 2007, twenty unannounced inspections had been conducted at the Fuel Enrichment Plant, and it welcomed the Agency's findings that all nuclear material at the Pilot Fuel Enrichment Plant, as well as the cascade area, remained under Agency containment and surveillance.

72. The Agency had not detected the use of nuclear material in connection with the alleged studies, nor did it have credible information in that regard. Thus far, Iran had produced only limited quantities of LEU and there was no evidence of HEU production. In that connection, his country was of the firm view that the Agency's work had to be based solely on credible and verifiable information.

73. Malaysia recognized the Agency's role as the sole competent authority for issues pertaining to verification and safeguards compliance. It relied on the professionalism and technical ability of the Agency in providing credible assurances about Iran's nuclear programme. There should be no undue pressure or interference in the Agency's activities, especially the verification process, as that could jeopardize the organization's efficiency and credibility. Malaysia encouraged Iran to implement further confidence-building measures and urged all parties concerned to respect Member States' rights as enshrined in Article IV of the NPT.

74. His country encouraged Iran to continue to cooperate fully with the Agency. In carrying out its verification activities, the Agency needed to ensure that Iran's legitimate right to protect the confidentiality of sensitive information and activities was respected. In that regard, certain provisions should be made to enable the Agency to do its work on sensitive issues without the need to visit conventional military sites in Iran. Malaysia strongly believed that diplomacy and dialogue were the only way to find a peaceful and durable solution to the Iranian nuclear issue.

75. The issue of proliferation of nuclear weapons and weapons of mass destruction in the Middle East needed to be tackled comprehensively. There was a need for sincerity in implementing all General Conference and Board resolutions, especially in relation to the establishment of a nuclear-weapon-free zone in the Middle East. There had been a lack of seriousness in implementing previous resolutions which had led to imbalance and instability in the region. Malaysia called upon Israel to accede to the NPT and to show full transparency by placing all its nuclear programmes and capabilities under Agency safeguards. The international community should not turn a blind eye to one State in the Middle East that had not acceded to the NPT and was believed to have acquired nuclear weapons capabilities, while Iran, which was party to the NPT, was punished even though there was no evidence of any diversion of declared nuclear material and activities to prohibited purposes.

76. In conclusion, he expressed the hope that all parties concerned would avoid taking any measures which might jeopardize the Agency's ongoing verification process and the considerable achievements to date.

77. Mr MONAWAR (Afghanistan) commended Iran on its cooperation with the Agency with a view to the peaceful resolution of the issue of its nuclear programme. All countries, as long as they respected international law, had the right to develop nuclear technology for the benefit of their people. Afghanistan was a close ally of the Iranian people, sharing with that country a common culture, religion and history. The two countries' shared border permitted even closer ties. However, his country also recognized that its proximity to Iran could put it in direct danger.

78. Like any other country, Iran had a right to nuclear power for civilian use. However, when the leader of a nation made a hostile statement, it was necessary to take note of it. That statement had indicated the instability of the Iranian regime and had demonstrated the need for close control of Iran's nuclear development. Without the required transparency, all of Iran's neighbours were in danger of possible attack.

79. His country encouraged all Member States to support the Agency as the sole competent authority to carry out safeguards and verification activities and called on Iran to continue its cooperation with the Agency. His country was of the firm belief that dialogue and diplomacy were the only way to settle the issue.

80. Mr SMITH (United Kingdom), speaking on behalf of the Governments of France, Germany and the United Kingdom, said that it was a matter of profound concern that the questions that were being raised by the Secretariat were not being answered by Iran. In September 2008, the Board had received a report from the Director General stating that the information the Secretariat had received from a range of sources was serious and substantial enough to require answers from Iran, and that Iran had continued to add to its uranium enrichment capacity in defiance of United Nations Security Council resolutions and the requirements of the Board. As the current report indicated, there had been no progress since September 2008 on those vital issues, but only total unresponsiveness from Iran and disrespect for the Secretariat and the Board.

81. However, Iran had made progress which was both negative and dangerous in its uranium enrichment programme, continuing to disregard the requirements placed upon it by the Security Council and the Board to suspend that programme, whose continuation was intensifying a threat to the stability of a troubled region. Furthermore, the Agency had been denied the right to conduct a design information verification at the IR-40 research reactor in both August and October, an act which was not consistent with Iran's legal obligations. He stressed the Agency's right to conduct such verifications and called upon Iran to meet its obligations under its comprehensive safeguards agreement. Iran had also failed to provide preliminary design information for a power plant at Darkhovin.

82. There was hardly any indication of genuine cooperation by Iran in the Director General's report. A number of Board members had, in the past, continued to express confidence that a relationship of cooperation could be sustained and developed between Iran and the Agency. Iran's dismissive response to expressions of confidence, through its refusal to cooperate, was starkly portrayed in the latest report.

83. France, Germany and the United Kingdom, along with China, the Russian Federation and the United States of America, with the support of the High Representative of the European Union, had made repeated efforts to bring home to Iran the positive consequences of a decision to cooperate with the international community. Those six countries remained ready to move quickly into action on their offer of a new cooperative relationship. However, that offer was contingent upon Iran taking action to raise confidence that it genuinely wished to cooperate. The Director General's report indicated that Iran was moving in the opposite direction. Its active pursuit of its ballistic missile programme was a further factor reducing confidence.

84. France, Germany and the United Kingdom fully supported the Director General in his determination to insist on answers to the outstanding questions and on the need for Iran to show genuine commitment to transparency, including implementation of the additional protocol and Code 3.1.

85. The current situation, while unsatisfactory, was not a deadlock or an impasse. The way forward for Iran was clearly mapped out. France, Germany and the United Kingdom had made it clear how substantially they were prepared to engage with Iran if it chose the path of cooperation. However, if it continued to choose defiance and isolation, they were equally determined to show that that choice had a cost.

86. Ms GOICOCHEA ESTENOZ (Cuba) stressed that Iran's declared nuclear activities were under strict Agency safeguards. The Secretariat had once again indicated that there had been no diversion of declared nuclear material. It had also found no evidence that there were any undeclared nuclear activities in Iran.

87. The agreements reached between Iran and the Agency on the modalities for resolving outstanding questions had allowed the questions which had prompted the inquiry to be resolved over the preceding months. Cuba acknowledged the cooperation provided by Iran and was sure that that cooperation would continue in the interests of building confidence.

88. She noted that the Secretariat had requested further information from Iran on the alleged studies, which were not part of the agreed work plan, whose targets had been achieved in full. Any future action on the matter should form part of the Agency's routine verification process and should not be subject to the scrutiny of the Board, much less the Security Council. The case should be returned to Vienna, which it should never have left. It was also essential to ensure absolute respect for Iran's sovereignty and to maintain the difference between legal safeguards obligations and voluntary confidence-building measures. The latter could not be imposed, and to attempt to do so would set an unacceptable precedent with future implications for every Member State.

89. It was vital that the Secretariat was able to provide Iran with all information relating to the alleged studies. Cuba regretted and condemned the double standards and hypocrisy displayed by a group of Member States which had demanded that Iran go far beyond its safeguards commitments while they prevented the Secretariat from providing Iran with the documents on which their accusations were based. It formally requested that future reports by the Director General on the Iranian nuclear issue include information on the cooperation of those States with the Agency on the aforementioned matter, and how that attitude affected the Agency's verification activities.

90. Those who were using the Security Council to condemn Iran should cease their political pressure and manipulations. In addition, the absurd demand that Iran should suspend its nuclear fuel cycle activities, which would mean giving up an inalienable right, should be withdrawn. The States that were taking such actions were the same States that turned a deaf ear to the demand of the international community that Israel join the NPT without delay and place all its nuclear facilities under Agency safeguards. Her country would like to see those States act consistently in the case both of Iran and of Israel.

91. Any attempt to force Iran to suspend its fuel cycle activities as a precondition for resolving the issue was unjust and would undermine further the climate of confidence required to clarify Iran's past nuclear programme, as would absurd demands and new sanctions. Iran could not be required to offer higher levels of cooperation when its inalienable rights were being denied.

92. Cuba remained confident that the Agency would continue to carry out its statutory verification activities in an impartial, objective and reliable manner. A moment of opportunity lay ahead not only

for Iran, but for all States concerned, to demonstrate good will and develop an atmosphere of trust in the interests of the whole international community.

93. Ms LACANLALE (Philippines) said her country remained fully confident in the integrity, impartiality and professionalism of the Director General and the Secretariat. It welcomed the Director General's statement that the Agency had been able to continue to verify the non-diversion of declared nuclear material and that Iran had provided the Agency with access to declared nuclear material and accounting reports relating to declared nuclear material and activities. However, it was concerned that there had been no substantial progress on the outstanding issues from past reports.

94. She urged all parties concerned to cooperate fully with the Agency to enable it to provide credible assurance regarding the absence of undeclared nuclear material and activities in Iran. The Philippines also called on Iran to implement the additional protocol, comply with the relevant resolutions of the Board and the Security Council and continue to provide transparency and the necessary access to substantive information as confidence-building measures.

95. Her country shared the Director General's hope that conditions could be created that would allow direct negotiations to take place among all concerned Member States. It was the responsibility of all concerned to participate in developing trust, which was key to resolving the Iranian nuclear issue and achieving stability in the Middle East. It was important to find a peaceful and comprehensive solution through continued consultations and dialogue.

96. Mr SCHULTE (United States of America) said that the report before the Board once again documented Iran's two basic failures: its failure to comply with the requirements of the United Nations and its failure to cooperate fully with the Agency. Those failures did not build confidence in Iran's claims that its activities were purely peaceful. The Director General once again indicated that the Agency could not provide credible assurance regarding the absence of undeclared nuclear material and activities.

97. The confidence deficit which had begun with Iran's non-compliance with its safeguards obligations had grown with each further act of non-cooperation and had been compounded by Iran's determined pursuit of uranium enrichment and plutonium production capabilities. It was hard to view such pursuits as peaceful when they violated multiple resolutions of the Board and the United Nations Security Council, made no sense in commercial terms and could readily be diverted to the manufacture of nuclear weapons.

98. Iran claimed that its uranium enrichment was intended for nuclear power reactors. However, Iran had no nuclear power reactors and the reactor under construction at Bushehr already had the necessary fuel. Iran had now stockpiled an amount of LEU which, if further enriched to weapons grade, would surpass half a significant quantity, the amount deemed sufficient by the Agency for one nuclear weapon. It had also completely blocked the Agency's investigation of outstanding questions about a possible military dimension to its nuclear programme, which the Director General had called a matter of serious concern calling for substantive responses.

99. He invited the Board to consider two hypothetical scenarios. In the first, Iran expelled Agency inspectors from Natanz, reconfigured its centrifuges and further enriched Iran's growing stockpile of LEU to weapons grade. At the same time, unknown to the Agency's inspectors, Iran resumed past work on weaponization so that weapons-grade uranium could be fashioned into nuclear warheads and mounted on a delivery system. In the second scenario, Iran secretly transferred the technology and expertise it was developing at Natanz to a covert facility, beyond the scrutiny of Agency inspectors, while continuing to operate Natanz under Agency supervision to provide cover for the construction and operation of the covert facility and while — as in the first scenario — they resumed work on weaponization in secret.

100. The second scenario seemed more likely. Iran had a history of hiding its nuclear activities. Natanz had been built as a covert facility in violation of Agency safeguards. Iran had unilaterally suspended Code 3.1 of its Subsidiary Arrangements General Part, requiring it to inform the Agency of its plans to construct new nuclear facilities. It was refusing to implement the additional protocol, which was specifically designed to increase the Agency's chances of finding undeclared sites. Furthermore, it was denying Agency inspector requests to visit the workshops where it was building centrifuges, thus keeping the Agency from knowing how many were produced. The Director General had indicated that the Agency would not be able to provide credible assurance about the absence of undeclared nuclear material and activities unless Iran ceased such attempts to stymie the Agency's investigation.

101. He called upon Iran to take two basic steps to begin to prove that its activities were purely peaceful: first, to suspend all uranium enrichment- and heavy water-related activities and, second, to cooperate fully with the Agency, including by implementing the additional protocol, granting inspectors' requests for transparency, fully disclosing past weapons-related work and allowing inspectors to verify that such work had been halted.

102. His country would continue strongly to support the Agency's investigation, which should continue until the Board was assured of the peaceful nature of Iran's nuclear programme. Iran's leaders faced a choice between continuing to fail to comply, leading to further sanctions and isolation, or offering transparency and cooperation, which could lead through negotiations to international respect and a diplomatic settlement. The United States was ready for the second, more hopeful, choice, and it hoped fervently that Iran's leaders were too.

103. Mr GALANXHI (Albania) expressed regret at the lack of real progress in the cooperation between Iran and the Agency, which did not contribute to increasing transparency or improving mutual trust and confidence. It was crucial that Iran implement the additional protocol so that the Agency could provide credible assurances regarding the absence of undeclared nuclear material and activities. Albania was concerned by Iran's decision not to suspend its enrichment-related activities, which went against United Nations Security Council decisions.

104. His country recognized the legitimate right of all States to develop a nuclear programme in compliance with the Agency's rules and regulations, just as it acknowledged the right of all States to receive assurances of the exclusively peaceful nature of any nuclear programme or project. Since Iran continued publicly to declare the peaceful nature of its nuclear programme, his country could not see a reason for its failing to cooperate fully with the Agency and comply with Security Council resolutions.

105. Albania continued to believe that all outstanding issues between the Agency and Iran should and could be resolved through negotiations. The offer made by China, France, Germany, the Russian Federation, the United Kingdom and the United States of America was a genuine and comprehensive one which put the benefit of the Iranian people first. He urged Iran to take all measures required to rebuild confidence in the exclusively peaceful nature of its nuclear programme as soon as possible.

106. Mr FIDAN (Turkey) said that all States had the right to benefit from nuclear energy for peaceful purposes in conformity with their NPT obligations, and he emphasized the central role of the Agency, in accordance with its statutory mandate, in facilitating the development and use of nuclear energy for peaceful purposes through international cooperation.

107. Turkey was pleased that the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran and noted with satisfaction that Iran had provided the Agency with the required accounting reports in connection with its declared nuclear activities. He also noted that the Agency had still not been able to verify the full scope of Iran's nuclear programme.

108. His country attached the utmost importance to the prompt alleviation, through peaceful and diplomatic means, of the ongoing crisis of confidence between Iran and the international community. As a neighbour of Iran, Turkey actively supported the process aimed at a peaceful resolution of the issue and it therefore called upon Iran to implement, without further delay, all measures required to build confidence in the exclusively peaceful nature of its nuclear programme.

109. Mr GUMBI (South Africa) noted that Iran was continuing to provide the Agency with access to declared nuclear material and had provided the required nuclear material accountancy reports in connection with declared nuclear material and activities, thus enabling the Agency to continue to verify the non-diversion of declared nuclear material in Iran.

110. South Africa remained concerned that Iran continued not to implement the modified Code 3.1 of its Subsidiary Arrangements General Part on the early provision of design information, or the additional protocol. The additional protocol was a critical instrument enabling the Agency to provide credible assurances regarding the absence of undeclared nuclear material and activities. He called upon Iran to sign and ratify the additional protocol without delay in order to demonstrate the nature of its nuclear programme to the world.

111. His country noted that the Agency had conducted an inspection at the Fuel Manufacturing Plant in October 2008 and that no major changes in its construction status had been noted since the visit in May 2008. The Agency had continued to use satellite imagery to monitor the status of the Heavy Water Production Plant, which appeared to be in operational condition. South Africa noted that the Agency had not been permitted to carry out the design information verification scheduled for 26 October 2008 and it encouraged Iran to permit the Agency to carry out that verification at the Arak reactor, as allowing the Agency to conduct its work without hindrance would demonstrate Iran's willingness to be transparent about the nature of its nuclear programme.

112. South Africa remained concerned that Iran had not implemented all of the steps required by the Board and the United Nations Security Council regarding full and sustained suspension of enrichment-related and reprocessing activities. Those steps were a mandatory requirement that Iran needed to abide by.

113. He expressed concern at the fact that outstanding issues remained with regard to possible military dimensions to Iran's nuclear programme. It was critical that Iran provide the Agency with access to documents, information and personnel that would enable it to make an unbiased and objective assessment of the full nature of Iran's nuclear programme. His country took note of the fact that, with the exception of the uranium metal document, the Agency currently had no information on the actual design or manufacture by Iran of nuclear material components or other key components of a nuclear weapon, or on related nuclear physics studies. Nor had the Agency detected the actual use of nuclear material in connection with such studies.

114. South Africa continued to be concerned that, after so many years of verification activities in Iran, the Agency was still not in a position to conclude that there were no undeclared nuclear material or activities in Iran, and that it was not yet in a position to determine the full nature of Iran's nuclear programme. It was important that Iran intensify its cooperation with the Agency and provide the clarifications requested.

115. He stressed the need for all parties concerned to create, through constructive dialogue, the necessary climate for a favourable outcome. The Director General and the Secretariat had South Africa's full confidence as they continued to discharge their responsibilities.

116. Mr AMANO (Japan) expressed concern that the Agency had still not been able to make substantive progress in relation to the alleged studies and other key remaining issues. He took note of

the Director General's statement to the effect that, in order for the Agency to be able to provide credible assurance about the absence of undeclared nuclear material and activities, Iran needed to provide the Agency with substantive information to support its statements and access to relevant documentation and individuals, and implement the additional protocol. Japan urged Iran to give the Agency its full cooperation, including by providing substantive explanations in relation to the alleged studies, and to grant the access requested by the Director General in order to clarify the nature and scope of its past and present nuclear activities.

117. He expressed further concern that, contrary to United Nations Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008), and repeated requests by the international community, Iran continued to conduct enrichment-related activities, to work on heavy water-related projects, and to maintain its suspension of the implementation of the additional protocol, which it had yet to ratify. It was particularly regrettable that Iran was conducting R&D activities on a new generation of centrifuges and was expanding its enrichment-related activities at Natanz, and that it continued unilaterally to uphold the suspension of the implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part and had, in October 2008, refused to permit the design information verification at the IR-40 research reactor.

118. Unless Iran's current position changed, the confidence of the international community could not be restored and it would be difficult for the Agency's investigations to make further progress. To restore confidence, and thereby exercise its right to use nuclear energy for peaceful purposes, Iran should suspend its enrichment-related activities and its work on heavy water-related projects. It also needed to implement and ratify the additional protocol and take other transparency measures in full cooperation with the Agency and in accordance with relevant Board and Security Council resolutions.

119. With a view to achieving a peaceful and diplomatic resolution to the Iranian nuclear issue, Japan continued to urge Iran to take all Board and Security Council resolutions seriously and to return to the negotiation process based on the comprehensive package offered by China, France, Germany, the Russian Federation, the United Kingdom and the United States of America without further delay. Japan supported and cooperated with the diplomatic efforts made by those States and had taken every opportunity to encourage Iran to respond positively to the international community's requirements.

120. Mr STEINMANN (Switzerland) expressed concern at the fact that, since the Director General's report in September, the Agency had been unable to make substantive progress in connection with the alleged studies and other associated key issues. With regard to enrichment-related activities, although the number of centrifuges operating in cascades had not risen since September, the yield of low enriched uranium had increased.

121. Regrettably, there also did not appear to have been any substantial diplomatic developments since September, which only served to increase frustration and make it even more difficult to begin sustained negotiations. Switzerland was convinced that a diplomatic solution was a real possibility. The willingness of the parties involved to enter into discussion on a 'freeze-for-freeze' basis was encouraging, and a format for discussions already existed based on the meetings between Iran and the High Representative of the European Union.

122. He urged all parties involved to reaffirm their commitment to a diplomatic approach and called upon Iran to increase its cooperation with the Agency, irrespective of any diplomatic process it had engaged in with other States, with a view to providing a definitive response on the alleged studies and other associated key issues. It also urged those States that had communicated information to the Agency to authorize it to use that information as it saw fit.

123. Mr BAAH-DUODU (Ghana) urged Iran to heed the Director General's call to implement all measures required to build confidence in the exclusively peaceful nature of its nuclear programme.

Such action would not only help to address the concerns raised in the Director General's report and lead to the quick resolution of the Iranian nuclear issue, but would also ensure that the item could be removed from the Board's agenda once and for all. Ghana welcomed the Director General's statement to the effect that the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran and it hoped that Iran would continue to cooperate with the Agency. He stressed that the outstanding issues should be resolved through diplomatic means.

124. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela)* welcomed the cooperation shown by Iran with a view to achieving swift resolution of the issue and noted that the Director General's report once again stated that the Agency had been able to continue to verify the non-diversion of declared nuclear material. Moreover, in clarifying the six outstanding issues in accordance with the work plan agreed in 2007, Iran had shown its willingness to dispel doubts regarding its nuclear programme.

125. The atmosphere of cooperation between Iran and the technical body authorized to deal with nuclear issues had been overshadowed, as a result of pressure from some Member States, by the imposition of sanctions by the United Nations Security Council, which had served only to make finding a solution more difficult. Furthermore, in order to keep the Iranian nuclear issue open, some Member States had provided the Agency with evidence purporting to reveal a military link to the Iranian nuclear programme. Several months had passed since that alleged evidence had been passed to the Agency and yet Iran had been denied even a copy of it. It was regrettable that some countries were persisting in exerting pressure on the Agency by providing information of dubious veracity which went beyond the Agency's statutory mandate in order to continue their media campaign and justify their geopolitical agenda in the region. The development of the Iranian nuclear issue was reminiscent of the events that had ultimately led to the invasion of Iraq.

126. Such actions were in contrast with the intentions of the negotiation process, the ultimate aim of which was to reach, by transparent, legal and just means, a balanced solution that did not infringe the rights of any party. Venezuela rejected any discriminatory practices and double standards whereby the existence of military nuclear programmes that were not under Agency supervision was openly ignored, while other countries which sought to exercise their right to use nuclear energy for peaceful purposes were hounded.

127. The constant interference in the Agency's activities was a matter of concern that called into question the Agency's authority and credibility, and the independence which agencies and bodies in the United Nations system must have.

128. Only dialogue and negotiation could pave the way for a swift and peaceful resolution of the Iranian nuclear issue.

129. Mr SOLTANIEH (Islamic Republic of Iran)* said that the Iranian nuclear issue, which had been under discussion in the Board for almost six years, was merely a pretext to cover the hidden agenda of the United States and other countries, such as France and the United Kingdom, that were aiming to change the statutory mandate of the Agency without changing the Statute itself. Those States, which had mobilized significant diplomatic and financial resources, and had even used threats to make other Member States join their cause, had made several miscalculations. Firstly, they had misjudged the determination of Iran to secure its legitimate rights. As his delegation had repeatedly stated, Iran would never give up its inalienable right to research into and the peaceful uses of nuclear energy, as enshrined in the Statute and the NPT, while fully complying with its obligations under that Treaty. Secondly, they had underestimated the scientific and technical capabilities of Iranian experts to overcome technical constraints, acquire technical know-how and master uranium enrichment technology for peaceful purposes even in the face of sanctions. Thirdly, they had lost sight of the fact

that the international community did not trust the United States and its allies following the unjustified invasion of Iraq on a false pretext which had cost the lives of hundreds of thousands of innocent people. Fourthly, they had underestimated the solidarity of the developing countries, in particular those associated with NAM, in protecting the principles of peace, justice, non-discrimination and prosperity. Lastly, they had wrongly predicted that once the United Nations Security Council had been illegally involved in the issue and had passed a punitive resolution imposing sanctions contrary to the Charter of the United Nations, Iran would either suspend its enrichment activities or hastily withdraw from the NPT and expel Agency inspectors in retaliation. It had done neither, and the Agency had confirmed that it had found no diversion of nuclear material or activities to military purposes in Iran.

130. His country had spared no effort in its full cooperation with the Agency in order to prove that all the allegations against it were baseless and that its nuclear activities and programmes were exclusively for peaceful purposes. As Iran had fully implemented the work plan agreed between the Agency and Iran in August 2007 (contained in document INFCIRC/711), application of safeguards in Iran should now return to being a routine matter and the issue should be removed from the agenda of the Board of Governors without further delay.

131. In accordance with its long-term energy development plan which foresaw 8% economic growth, Iran needed to develop 20 000 MW(e) nuclear power capacity over the forthcoming 20 years. In the short term, it needed to produce 5000 MW(e) from nuclear energy. On behalf of his Government, he invited potential suppliers to participate in the international tender for the construction of nuclear power plants under comprehensive Agency safeguards.

132. Regrettably, the Agency — the sole technical international organization mandated to accelerate and enhance the exchange of nuclear technology among Member States for peaceful purposes — had been politicized, leading to mistrust among Member States, and in some cases even between Member States and the Secretariat. The recent attempts to politicize technical cooperation were another indication that the United States and some of its allies were seeking to jeopardize the spirit of cooperation that prevailed in the Agency's committees and Board of Governors in order to fulfil their hidden agenda. The authority, independence, credibility and integrity of the Agency were at risk, and he urged all those involved to put an end to that dangerous process before it was too late.

133. The report of the Director General had confirmed once again that all nuclear material, activities and facilities in Iran were under full Agency surveillance, and that the Agency had been able to continue to verify the non-diversion of declared nuclear material and activities. His country had repeatedly declared that there were no undeclared nuclear activities and material in Iran. The 40 MW heavy water reactor at Arak (IR-40) would replace the 5 MW research reactor in Tehran, whose operating life was due to expire shortly, and it was to produce radioisotopes for applications in medicine, agriculture and industry. The Agency was well aware that the research reactor in Arak was under civil construction in full compliance with the NPT, Iran's comprehensive safeguards agreement and the Agency's Statute. While Iran had voluntarily arranged visits by Agency inspectors to the IR-40, it did not consider that to be a legal obligation. Technically, all reactors produced plutonium as a result of nuclear fission. He was therefore surprised that the representative of France had given a statement on behalf of the European Union that lacked any technical or scientific basis.

134. In implementing the work plan agreed with the Agency, Iran had undertaken to resolve, once and for all, the outstanding issues relating to its peaceful nuclear activities in the past and present. As was indicated in the Director General's reports of November 2007 (GOV/2007/58) and February 2008 (GOV/2008/4), all six outstanding issues had been resolved and Iran had responded to all questions about the outstanding issues in accordance with the work plan. In the work plan, the alleged studies had not been characterized as an outstanding issue and the modalities for dealing with those studies were therefore considered to be different.

135. Despite the fact that the document concerning the so-called alleged studies had not been delivered to Iran, his country had, in a spirit of cooperation, carefully examined all the fabricated materials in a PowerPoint presentation. The United States had still not handed over the original documents to the Agency, which was not surprising, since their documents were not authentic. The United States appeared to have forgotten to put classification stamps on the materials they had submitted to the Agency, which purported to relate to a Manhattan-style project. Iran had explicitly stated that it had not conducted any of the activities referred to in the so-called alleged studies, and that the materials produced by the United States were fabricated, containing nothing but baseless allegations.

136. The Agency had explicitly stated in a written document dated 13 May 2008 that: "Therefore no document establishing the administrative interconnections between "Green Salt" and two other remaining subjects on alleged studies, namely "High Explosive Testing" and "Re-entry Vehicles" have been delivered or presented to Iran by the Agency". That statement of fact, which regrettably had not been reflected in the Director General's report, showed that, contrary to what was stated in the report, the documents related to the issue of the alleged studies lacked any internal consistency or coherence.

137. Since Iran had fulfilled its obligation to provide information to the Agency, and since the Director General had already indicated in a number of reports that the Agency had no information on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon or of other certain other key components, such as initiators, or on related nuclear physics studies, the subject should be closed. If there had been any intention to raise other issues in addition to the alleged studies, such as possible military dimensions, they should have been raised by the Agency in the course of negotiations in Tehran. No mention of possible military dimensions had been made in the work plan.

138. It was surprising to find that the term 'outstanding issues' was still being used, particularly since the work plan stated that: "These modalities cover all remaining issues and the Agency confirmed that there are no other remaining issues and ambiguities regarding Iran's past nuclear program and activities". Paragraph 54 of the Director General's report contained in document GOV/2008/4 stated that "The one major remaining issue relevant to the nature of Iran's nuclear programme is the alleged studies". However, from the very beginning, Iran had clearly stated and confirmed that it had not carried out any of the studies and activities related to the alleged studies, which were baseless allegations and forgeries.

139. In implementing the work plan, the Agency was obliged to confirm the exclusively peaceful nature of Iran's nuclear activities. It did not have any obligation to comment on implementation of the additional protocol, which was a voluntary undertaking on the part of Member States. His country had suspended its implementation of the additional protocol, and other steps it had taken on a voluntary basis, after the Iranian nuclear issue had been referred to the United Nations Security Council. The countries that had brought the issue to the Security Council should be blamed for that situation and not Iran. No matter how many resolutions were passed by the Security Council imposing sanctions on Iran, his country would not give up its inalienable right to conduct enrichment activities. As long as the Security Council was involved in Agency affairs, the status quo would remain unchanged.

140. On several occasions, his Government had expressed its concerns regarding the leakage of confidential information submitted to the Agency. Such leakages were a great obstacle to the implementation of safeguards by all Member States and should be taken into serious consideration.

141. The statements made by some Western countries, notably by Australia and by the United Kingdom on behalf of France, Germany and the United Kingdom, were counterproductive and would serve only to isolate those countries. Use of the language of threat would serve no purpose whatsoever.

It was regrettable that, in his statement, the Governor from France had failed to reflect the real situation with regard to the negotiations. While Iran had been waiting for further information on the package proposed by the six countries, another resolution had been passed by the Security Council. Such unjustified attitudes jeopardized the cooperative environment needed to achieve an amicable solution. Iran was the country inviting others to come to the negotiating table without precondition. The approach outlined by the Governor from France whereby sanctions were applied in parallel to negotiations was uncivilized and humiliating and one that would be roundly rejected by Iran.

142. Noting with regret that the issue of uranium metal was still being raised, he drew attention to the work plan which stated that: "Upon the request of the Agency, Iran agreed to cooperate with the Agency in facilitating the comparison of the relevant sections of the document. Iran is presently reviewing the proposals already made during the first meeting on 12 July 2007. After taking this step by Iran, the Agency undertakes to close this issue".

143. Finally, he urged Member States to refrain from making unfriendly and destructive statements, so that a positive, cooperative atmosphere could prevail.

144. The CHAIRPERSON, summing up the discussion, said that the Board had taken note with appreciation of the Director General's report on the implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran contained in document GOV/2008/59. The Board had commended the Director General and the Secretariat for their continuous professional, technical and impartial efforts related to the verification of Iran's nuclear programme.

145. Several members had expressed serious concern that the Agency was still not in a position to determine the nature of Iran's nuclear programme. Several members had noted that there had been no progress on the matter since the preceding report by the Director General in September. They had noted the Agency's statement that there remained a number of outstanding issues, identified in the Director General's report, which gave rise to concerns about possible military dimensions to Iran's nuclear programme. They had shared the Agency's view that the alleged studies and associated issues remained a matter of serious concern.

146. Several members had underlined the Agency's view that Iran's clarification regarding the alleged studies was critical to an assessment of the nature of Iran's past and present nuclear programme. They had noted the conclusion of the report that, as a result of the lack of cooperation by Iran in connection with the alleged studies and other associated key remaining issues of serious concern, the Agency had not been able to make substantive progress on these issues.

147. They had further noted the statement of the Director General that Iran needed to clarify, as a matter of transparency, the extent to which information contained in the relevant documentation was factually correct and where, in its view, such information might have been modified or related to non-nuclear purposes. Iran should also provide the Agency with substantive information to support its statements and provide access to relevant documentation and individuals.

148. Several members had noted that the Agency had received much of the information related to the issue of the alleged studies only in electronic form and had noted that the Director General regretted the fact that the Agency had not been able to share in printed form with Iran documentation provided by Member States. They had considered that to be a matter of concern which could impede the verification process. Several members had supported the statement of the Director General that the States that had provided the Agency with documentation related to the alleged studies should authorize the Agency to share it with Iran.

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

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

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

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

153. Several members had noted with concern that no progress had been made on the Agency's request to Iran that it reconsider its decision to suspend the implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part, and had underlined that the Subsidiary Arrangements could not be suspended or amended unilaterally. They had called on Iran to reconsider its decision. Some had deplored the fact that Iran had continued to object to the Agency's carrying out of design information verification at the Iran Nuclear Research Reactor, which they had noted was not consistent with Iran's obligations under its safeguards agreement.

154. Several members had expressed serious concern that Iran had not complied with the previous requests of the Board and the obligations established by the Security Council in resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) and that, on the contrary, Iran was further increasing its enrichment capacities and capabilities and working on heavy water reactor-related projects. They had urged Iran to implement the measures contained in those resolutions, in particular those related to the suspension of all enrichment-related activities.

155. Members had reaffirmed the basic and inalienable right of all Member States to develop nuclear energy for peaceful purposes in conformity with their respective legal obligations. Several had emphasized the distinction between voluntary confidence-building measures and legally binding safeguards obligations.

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

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

158. The continued need for substantive and comprehensive negotiations and dialogue among all relevant parties covering all relevant issues, as stressed by the Security Council, had been emphasized as the way to reach a long-term solution of the Iranian nuclear issue. Some had restated their commitment to a double-track approach of dialogue and pressure being pursued by the six countries and they had stated that they saw no rationale that could justify Iran's refusal to enter into negotiations with the six countries.

159. Some members had called on Iran to join the relevant international conventions on nuclear safety and security before the nuclear reactor at Bushehr began operation.

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

161. She took it that her summing-up was acceptable.

162. The Chairperson's summing-up was accepted.

163. The CHAIRPERSON took it that the Board could agree to the request to make public the report of the Director General contained in document GOV/2008/59.

164. It was so decided.

The meeting rose at 6.20 p.m.