

IAEA Board of Governors

Record of the 1226th Meeting
GOV/OR.1226

Nuclear Verification

Any other business

Board of Governors

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Record of the 1226th 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 GALANXHI		Albania
Mr KHELIFI		Algeria
Ms CONTRERAS DE ECKER		Argentina
Mr KRUSE		Australia
Mr VALLIM GUERREIRO		Brazil
Mr WOOD		Canada
Mr TANG Guoqiang		China
Ms GOICOCHEA ESTENOZ		Cuba
Mr GARCÉS-BURBANO		Ecuador
Mr FAWZY		Egypt
Ms KAUPPI		Finland
Mr CARON		France
Mr LÜDEKING		Germany
Mr BAAH-DUODU		Ghana
Mr KUMAR		India
Mr ALSHARIA	}	Iraq
Mr AQRAWI		
Mr COGAN		Ireland
Mr AMANO		Japan
Mr MAKSIMOVAS		Lithuania
Mr ARSHAD		Malaysia
Mr FUENTES SANCHEZ		Mexico
Ms MACMILLAN		New Zealand
Ms LACANLALE		Philippines
Mr NECULĂESCU		Romania
Mr BERDENNIKOV		Russian Federation
Mr AL-SUWAIYEL		Saudi Arabia
Mr MINTY	}	South Africa
Mr GUMBI		
Mr ROSELLÓ SERRA		Spain
Mr MARFURT		Switzerland
Mr FIDAN		Turkey
Mr SMITH	}	United Kingdom of Great Britain and Northern Ireland
Mr DRAPER		
Mr SCHULTE	}	United States of America
Mr SCHELAND		
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, Azerbaijan, Bangladesh, Belarus, Belgium, Chile, Colombia, Croatia, Czech Republic, Denmark, Dominican Republic, El Salvador, Ethiopia, Greece, Holy See, Hungary, Indonesia, Islamic Republic of Iran, Israel, Italy, Jordan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Luxembourg, Mongolia, Morocco, Namibia, Netherlands, Norway, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Slovakia, Slovenia, Sri Lanka, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Ukraine, United Arab Emirates, Bolivarian Republic of Venezuela, Yemen, Zimbabwe.

Abbreviations used in this record:

DPRK	Democratic People's Republic of Korea
GRULAC	Latin American and Caribbean Group
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review and Extension Conference	Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
SAL	Safeguards Analytical Laboratory
TACC	Technical Assistance and Cooperation Committee

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

5. Nuclear verification

(d) Implementation of the NPT safeguards agreement in the Syrian Arab Republic (GOV/2008/60)

1. Ms. GOICOCHEA ESTENOZ (Cuba), speaking on behalf of NAM, quoted a paragraph from the Final Declaration adopted by NAM at its 15th Ministerial Meeting held in Tehran from 27 to 30 July 2008:

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

2. NAM was seriously concerned that the Agency had been severely hampered in discharging its responsibilities under Syria’s NPT safeguards agreement by Israel’s unilateral use of force and by the late provision of information by some Member States regarding the building at the Dair Alzour site. It unequivocally rejected the use of force as a means of dealing with safeguards-related issues and stressed that Member States should make available any information they possessed in a timely, comprehensive and verifiable manner.

3. NAM noted with satisfaction that the Syrian Arab Republic had agreed to a visit by the Agency to the Dair Alzour site and to the taking of environmental samples, and that it had provided unrestricted access to all buildings on the site as a transparency measure during the Agency’s visit on 23 June 2008. It also noted that, according to Syria, the site was a military installation that had never been related to any nuclear applications.

4. NAM emphasized the fundamental distinction between Member States’ legal obligations under their safeguards agreements and voluntary confidence-building measures. It also stressed the importance of observing confidentiality measures to protect sensitive information regarding Member States and their national security. NAM was seriously concerned about the recurring leaks of sensitive information to the media, even before the Secretariat’s official reports were circulated to Member States.

5. NAM noted that the Agency intended to request Israel to provide information pertaining to the origin of the uranium particles and called on Israel to cooperate fully with the Agency in that regard.

6. Finally, NAM reiterated its full confidence in the Agency’s professionalism and impartiality and again urged Member States to avoid placing undue pressure on the Agency or interfering in its activities, especially the verification process, since such action would jeopardize the Agency’s efficiency and credibility.

7. 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 and Liechtenstein, members of the European Economic Area, and the Republic of Moldova and Ukraine, thanked the Secretariat for its competent and impartial work and the report contained in document GOV/2008/60. He also thanked the Deputy Director General for Safeguards for the technical briefing held on 21 November. The European Union attached great importance to its

relationship with Syria, which was an important partner in the Middle East region, and it was convinced that those links would facilitate a frank dialogue. It was essential to allow the facts to speak for themselves.

8. With regard to the allegations of undeclared activities, the findings in the report were disturbing in many respects. Based on the imagery available to the Agency, the dimensions and structures of the Dair Alzour facility were similar to those required for a nuclear reactor and the capacity of the water pumping facility adjacent to the site was sufficient for a nuclear reactor. The discovery of a significant number of anthropogenic uranium particles was also troubling. The European Union took note of the Syrian allegation that the particles came from the missiles that destroyed the building and hoped that the Agency could verify their origin. The best way of doing that was to give the Agency access to the debris of the building which had been removed. Israel should also cooperate with the Agency and provide any information the latter deemed necessary regarding the Syrian allegations. The cooperation of all Member States in clarifying the matter would be appreciated.

9. The European Union further noted that Syria had undertaken landscaping activities on three other sites shortly after the Agency had requested access for inspection. It supported the Agency's request for an explanation of those activities. The European Union also noted that the Agency had sought information on items procured by Syria that might be used for the construction and operation of a nuclear reactor.

10. While the European Union welcomed the fact that Syria had given the Agency access to the Dair Alzour site, it found it regrettable that access had so far been denied to the other sites of interest. It called on Syria to cooperate unreservedly with the Agency, to hand over the plans of the Dair Alzour site and to reply to the questions regarding procurement. It noted Syria's claim that the site was unrelated to any nuclear application and that it was a military installation.

11. The report raised major questions regarding the accuracy and completeness of Syria's declaration pursuant to its comprehensive safeguards agreement. It also raised questions with regard to the obligation of States party to the NPT to declare all their nuclear facilities, and the obligation of Member States of the Agency under the modified Code 3.1 to report any nuclear facility as soon as the decision was taken to construct it. It was therefore essential both for Syria, and for the Agency and its Member States, to determine the precise nature of the activities undertaken by Syria both at the Dair Alzour site and at the other sites mentioned in the report which might have a link with the Dair Alzour site.

12. The European Union was convinced that all those issues could be clarified to everyone's satisfaction with Syria's assistance. The implementation by Syria of an additional protocol would be a particularly useful contribution to the restoration of confidence in the region. The European Union requested the Director General to prepare a report on the follow-up to the Agency's requests for the next meeting of the Board.

13. Ms CONTRERAS DE ECKER (Argentina) expressed concern at the statement in the Director General's report that the Agency had been severely hampered in discharging its responsibilities under the NPT and under Syria's safeguards agreement by the unilateral use of force and by the late provision of information concerning the building at the Dair Alzour site. It was unfortunate that the destruction of the building and the subsequent removal of the remains had made the Agency's verification work more difficult and complex, as well as more time- and resource-consuming.

14. The States concerned should cooperate closely with the Agency so that it could complete its assessment. Argentina supported the Director General's request to Syria to provide the necessary transparency, including allowing visits to the requested locations and access to all available

information. It also supported the Agency's appeal to States to make available any relevant information that they possessed, including satellite imagery.

15. Mr AMANO (Japan) expressed concern at the fact that the containment structure at the Dair Alzour site appeared to have been similar in dimension and layout to that required for a biological shield for nuclear reactors, and that the building had been large enough to house the equipment needed for a nuclear reactor of the type alleged. His country was also concerned that the water pumping capacity was adequate for a reactor of the size referred to in the allegation. Furthermore, analysis of the environmental samples taken from the Dair Alzour site had revealed a significant number of natural uranium particles produced as a result of chemical processing, and Syria had not provided all information or granted the access to locations requested by the Agency.

16. Japan called on Syria to provide the necessary transparency, including allowing visits to the requested locations and access to all available information, so that the Agency could complete its assessment. It further called on Syria to sign, ratify and implement an additional protocol to ensure further transparency.

17. The Board should be kept informed of developments.

18. Mr SCHULTE (United States of America) noted that, according to the Director General's report, Syria had not yet demonstrated the cooperation and transparency needed by Agency inspectors to conduct their investigation. It had repeatedly refused to answer their questions or give them access to three sites. At the technical briefing the preceding week, Member States had been shown dramatic evidence of the steps taken by Syria to sanitize those three sites after receiving the request for access. Syria had also sought to conceal the Dair Alzour site both before and after the facility was destroyed.

19. Furthermore, the report sharply contradicted Syria's claims about the nature of the facility and the origin of the uranium particles found there. It reinforced his Government's conclusion that Syria was secretly building a nuclear reactor with the assistance of the DPRK, which constituted a serious violation of its safeguards obligations. The fact that the reactor was not configured for power production, was isolated from the civilian population and was ill-suited for research suggested that it was not intended for peaceful purposes. The United States believed that the reactor under construction was of the same type as that built by the DPRK at Yongbyon to produce plutonium for nuclear weapons.

20. The United States joined other Board members in strongly supporting the Agency's continued investigation and encouraging the Syrian authorities to grant all access requested to facilities, individuals and information. The Agency needed to understand what Syria had been building in secret and had then buried under metres of earth and a new building. It needed to be confident that there were no other undeclared activities in the country, and to determine the procurement routes and networks involved. Finally, it needed to demonstrate that illicit nuclear activities, whether in Syria or elsewhere, would be detected and investigated.

21. The case of Syria underlined the limitations of the Agency in a country without an additional protocol. The reasons for Syria's unwillingness to adopt an additional protocol had perhaps now become clear. The United States called on Syria to sign and implement an additional protocol and to take whatever additional transparency measures the Agency deemed necessary.

22. Syria could avoid becoming a permanent topic of critical discussion in the Board like Iran and the DPRK by cooperating with the Agency. So far, however, it seemed to be testing the tactics of hindrance and unhelpfulness that Iran had so finely honed. It was to be hoped that the Syrian leadership would not persist in those tactics. It should follow instead the example of Libya which, through cooperation and transparency, had removed itself from the Agency's agenda and gained

international respect after a serious safeguards violation. He called on the Government of Syria to cooperate openly and transparently with the Agency's investigation.

23. Mr ARSHAD (Malaysia) said that his country shared the Director General's concern that information concerning the installation in Syria had not been provided to the Agency in a timely manner and that force had been resorted to unilaterally before the Agency had had an opportunity to establish the facts.

24. Malaysia condemned the attack by Israel, which was not a party to the NPT, against a facility on Syrian territory. That attack was a flagrant violation of the Charter of the United Nations. It was odd that the only condemnation of the attack on Syria's sovereignty and territorial integrity had come from NAM. Instead of the aggressor being punished, the victim was being put in the dock on the basis of mere allegations.

25. His country failed to understand why certain Member States had only provided information to the Agency long after the facility had been bombed. It also shared the Director General's concern that the Agency had been unable to obtain satellite imagery immediately after the bombing. It therefore called on Member States to notify the Agency of any concerns they might have regarding safeguards agreements in a timely, comprehensive and verifiable manner, to enable it to take any action required in accordance with its statutory mandate. Malaysia recognized the Agency as the sole competent authority for verification of safeguards obligations and Member States should not interfere with its work in that area. They should also comply with the principles enshrined in the Charter of the United Nations and the Agency's Statute and refrain from taking unilateral action.

26. Malaysia was concerned about the hypocritical stance of some Member States which had failed to criticize Israel for its attack on the Syrian site, not to mention the possession of nuclear weapons. Insecurity in the Middle East was being perpetuated by a single State's possession of nuclear weapons, which clearly undermined the credibility of the non-proliferation regime.

27. Syria had shown considerable flexibility and transparency in allowing the Agency to visit the Dair Alzour site, providing unrestricted access to all buildings and permitting the taking of environmental samples. Malaysia urged Israel to cooperate fully with the Agency and to provide a detailed response to Syria's claims regarding the origin of the uranium particles. The Agency should not, however, inspect sites or facilities that were deemed to be sensitive in terms of national security, since that went beyond its mandate.

28. Mr KUMAR (India) noted that the Director General's report, though inconclusive, showed the need for further investigations to settle the various questions that had arisen. India hoped that all Member States concerned would cooperate with the Agency to enable it to complete its assessment.

29. Mr WOOD (Canada) said that Canada remained deeply concerned about revelations pointing to possible undeclared facilities and activities in Syria and possible nuclear cooperation between Syria and the DPRK. It noted in particular that the features of the building at Dair Alzour and its connection to adequate water pumping capacity were similar to what could be found at a reactor site of the type alleged, and that the analysis of environmental samples from the site had detected a significant number of uranium particles produced by chemical processing. The Agency had also stated that it had information that Syrian entities had procured materials and equipment that could support the construction and operation of a nuclear reactor.

30. All those findings tended to substantiate the existence of a nuclear reactor at the Dair Alzour site. In view of their serious implications for the integrity of Syria's safeguards obligations, Canada fully supported the Director General's efforts to investigate the situation further. It was disappointed and concerned that Syria had not yet provided the requested documentation in support of its

declarations concerning the nature or function of the destroyed building, nor had it responded favourably to the Agency's request to visit the three other locations. He urged Syria to cooperate fully with the Agency in resolving the matter. The Director General should continue to report to the Board on the results of the ongoing investigation.

31. Finally, given the broad interest in the issue, he requested that the report contained in document GOV/2008/60 be made public.

32. Ms MACMILLAN (New Zealand) noted with concern that, while the Agency could not rule out the possibility that the building at Dair Alzour was intended for non-nuclear use, it remained unable to verify that the destroyed facility was not a nuclear installation. New Zealand noted the Agency's conclusions based on an analysis of satellite imagery that the building might have had underground levels, that its containment structure appeared to have been similar in dimension and layout to that required for a biological shield for nuclear reactors, and that the overall size of the building was sufficient to house the equipment needed for a nuclear reactor of the type alleged. It further noted the conclusion that the water pumping infrastructure at Dair Alzour was adequate for a reactor of the size alleged, and that both landscaping activities and the removal of large containers from other sites of interest had taken place shortly after the Agency had requested access to them. Her country also noted that the environmental samples analysed by the Agency indicated that the uranium particles found at Dair Alzour were anthropogenic.

33. Noting that Syria had not yet provided the information and access for inspectors needed for the Agency to carry out its verification mandate, she called on Syria to cooperate fully with the Agency so as to bring the matter to a speedy conclusion. New Zealand supported further investigation of all issues outlined in the report.

34. Mr KRUSE (Australia) said that his country had analysed the Director General's report and the package of information presented by the United States earlier in the year indicating the clandestine construction of a nuclear reactor in Syria with assistance from the DPRK. It welcomed the fact that the Agency had now embarked on its own impartial investigation of the evidence and looked forward to further progress reports. Australia was encouraged by the fact that Syria had taken initial steps to cooperate with the Agency's inquiry by granting it access to the site at Dair Alzour and urged it to continue cooperating.

35. His country was concerned that the Agency's findings and analysis to date were not consistent with Syria's assertions regarding the pumping and electrical capacity at the site and the presence of anthropogenic uranium particles. The findings reinforced the need for continued investigations into the nature of the facility. Australia was disappointed that Syria was withholding cooperation by failing to accede to the Agency's requests for site access and failing to provide documentation that might support its assertions. It urged Syria to provide the full and prompt transparency requested by the Director General by granting access to all relevant information and sites, and to implement an additional protocol without delay.

36. Further, he called on other States that possessed relevant information to make it available to the Agency. The professionalism and independence of the Agency's investigation should not be called in question.

37. Mr MARFURT (Switzerland) said that the Director General's report raised questions to which convincing answers urgently needed to be found. Views had been expressed by a number of States in the TACC concerning possible repercussions on the implementation of future technical cooperation projects with the Syrian Arab Republic. It was clearly in the interests of that country to cooperate fully and immediately with the Agency by responding to all the requests made to it by the Agency, thereby enabling the latter to clarify the questions raised in the report concerning the presence and exact nature

of the uranium particles found at the Dair Alzour site, and the nature and function of the building that had been destroyed. States possessing pertinent information should provide it to the Agency and authorize it to share that information with Syria. As the report indicated, the Agency would be requesting Israel to provide it with information that would enable it to assess the explanation provided by Syria regarding origin of the uranium particles found.

38. Mr AQRAWI (Iraq) said that there was information in the Director General's report that required further clarification, which was why his country urged Syria to provide further cooperation to the Agency in line with its obligations under its safeguards agreement. He called on all parties to tackle the issue in a professional manner without politicization in order not to exacerbate the situation in the region. The unilateral military action undertaken by Israel had been illegitimate and unjustified; it had caused great damage and had seriously hampered the Agency, preventing it from discharging its responsibilities. Iraq supported the request by the Director General for information regarding the components of the missiles used by Israel to destroy the Syrian installation. That information should be specific and accurate, and it was important that no information be leaked to the media, particularly before the Board had been able to discuss it.

39. Mr VALLIM GUERREIRO (Brazil) said it was deeply regrettable that, as a result of the unilateral use of force in September 2007, the Agency was unable to verify the veracity of allegations that a nuclear reactor had been under construction in Dair Alzour. Brazil appreciated the cooperation provided to the Agency by Syria and encouraged that country to continue to cooperate. It also urged all parties in possession of information which might help the Agency to make it available to the organization.

40. Mr FIDAN (Turkey) commended the Director General and the Secretariat for the professionalism with which they had pursued their investigations into questions raised concerning the nature and function of the destroyed building at the Dair Alzour site. He also welcomed the cooperation displayed by the Syrian authorities in providing unrestricted access to all the buildings on the site in question and in agreeing to the taking of environmental samples there. The Director General's report did not exclude the possibility that the building in question had been intended for non-nuclear use; however, it appeared that the Agency was still not in a position to reach such a conclusion. Turkey had noted the assessment by the Director General that verification of the situation was difficult and complex owing to a number of factors hampering the Agency's work. Full transparency on the part of all parties was therefore indispensable for the Agency to complete its assessments. His country was convinced that Syria would cooperate fully with the Agency so that the ambiguities could be eliminated speedily and without unnecessary complications.

41. Mr BERDENNIKOV (Russian Federation) expressed regret that the unilateral use of force and the late submission to the Agency of information concerning the facility at the Dair Alzour site had hampered the Agency in carrying out its functions. He noted the readiness on the part of Syria to cooperate with the Agency by providing access to the site for inspectors and allowing the taking of environmental samples. It was his country's belief that Syria would continue its cooperation with the Agency in accordance with the NPT and its safeguards agreement in order to clarify the situation. The Director General's report provided no bases for arriving at clear-cut conclusions regarding the purpose of the destroyed facility. To understand the situation with regard to the traces of uranium discovered, the Secretariat would have to provide technically more specific information. Any assistance provided to the Agency in its work on the issue should not be politicized and there should be no undue haste. It was also important to ensure the confidentiality of information on all safeguards issues.

42. Mr TANG Guoqiang (China) expressed support for the Agency in conducting its investigation into the issues under discussion and welcomed the cooperation and assistance provided by the Syrian Arab Republic. Noting that the verification work was both difficult and complex, he encouraged Syria

to continue its cooperation with the Agency and expressed the hope that the other countries concerned would provide the necessary assistance to the Agency in order to clarify the relevant issues as soon as possible. The Agency should keep Member States informed of the progress of its investigation.

43. Mr GALANXHI (Albania), noting that the Director General's report had provided a clearer picture of the situation, though further and substantial clarifications were still needed, welcomed the fact that, during the Agency's visit to the Dair Alzour site on 23 June 2008, Syria had provided access as a transparency measure. However, his country remained concerned that Syria had not yet acceded to the Agency's request to provide documentation relevant to the destroyed building, and in respect of other locations, to support its statements that the site was a military installation which had not been related to any nuclear applications. Albania would be more than happy to believe Syria's statements, but as there were a number of serious allegations from other sources that could not be ignored it was the responsibility of the Agency to provide Member states with facts and data and, to be able to do that, the Agency's inspectors needed full access to all sites and documentation. He joined the Director General in calling on Syria to provide the necessary transparency, including allowing inspections at the requested locations and access to all relevant information, so that the Agency could complete its assessment.

44. Mr FAWZY (Egypt) pointed out that it had not been possible to include in the Director General's report a wide range of information, either because the necessary information had not been made available to the Agency by those making allegations concerning the Dair Alzour site, or because those States had chosen to provide the information in piecemeal manner. His delegation had been struck primarily, and was bewildered by the non-availability of commercial satellite imagery of the location in question for a period of more than six weeks following the destruction of the facility. Given the inconclusive nature of the information in the report, and the fact that the Secretariat was still waiting to be provided with relevant information that States might possess, Egypt did not see any merit in the proposal to make the report public.

45. While Egypt wished to renew its confidence in the Secretariat and the professional manner in which it carried out its mandate, it had to express serious concern regarding the unfortunate leakage of confidential information on analyses carried out on environmental samples taken from the facility. The infringement of crucially important norms of confidentiality had created an environment of mistrust and raised questions regarding the instrumentalization of Agency activities for political gain. Nevertheless, his country encouraged Syria to continue cooperating with the Agency in a manner consistent with its legal obligations vis-à-vis the organization. It also expressed appreciation to the Syrian authorities for the cooperation they had extended so far.

46. If the Board of Governors wished to maintain its credibility it could not devote time and effort to the consideration of the Dair Alzour issue without also turning its attention to the broader implications for the future of the Agency and its safeguards system of the manner in which the issue had initially been brought to the attention of the international community.

47. Member States had entrusted the Agency with the responsibility of implementing the safeguards agreements it concluded with them. They were also collectively endeavouring to make safeguards implementation more efficient and effective. The 1995 NPT Review and Extension Conference had underscored the fact that the Agency was the competent authority responsible for verifying and assuring compliance with safeguards agreements, that nothing should be done to undermine its authority in that regard, and that States with concerns regarding non-compliance should direct such concerns, along with supporting evidence and information, to the Agency for it to consider, investigate, and draw conclusions and decide on necessary actions.

48. Thus, the Board could not remain silent when a Member State, albeit not a party to the NPT, decided to deal with a safeguards concern by short-circuiting the Agency and resorting to the use of force rather than to the Agency and its inspectors. There could be no doubt that the air raid carried out by Israel in September 2007 with the aim of destroying what was, several months later, alleged to be a covert nuclear facility in the making had been a blatant violation of international law that had seriously undermined the Agency as the competent and sole authority responsible for verifying and assuring compliance with safeguards agreements.

49. In its general debate statement to the 52nd session of the IAEA General Conference, Israel had referred to nuclear proliferation in the Middle East and had stated that it was following developments in that regard with great concern. It had also underscored the importance of an effective and timely inspection process for improving and enhancing the Agency's verification capabilities. Air raids neither improved nor enhanced those capabilities, nor did they create conditions that were conducive to the implementation of an effective and timely inspection process.

50. The credibility of any institution hinged, inter alia, on the manner in which it dealt with the challenges it was confronted with. Thus, it was incumbent upon Agency Member States to engage in a discussion on the implications for the future of the Agency and its safeguards system of any event that called into question the Agency's pivotal safeguards and verification role. Egypt urged the members of the Board, and all other Agency Member States, to engage in such a discussion, particularly in the current context where non-proliferation was being selectively pursued at the expense of true multilateralism.

51. Mr GUMBI (South Africa) noted from the Director General's report that the Agency had been severely hampered in discharging its responsibilities under Syria's safeguards agreement by the unilateral use of force and by the late provision of information concerning the facility at the Dair Alzour site. His country remained seriously concerned by Israel's attack on Syria. It welcomed the fact that Syria had provided the inspectors with unrestricted access to all the buildings at the Dair Alzour site as a transparency measure, and called upon that country to provide the requested documentation and any other information deemed helpful to the Agency in order to enable it to complete its assessment. It also encouraged Syria to cooperate fully with the Agency in order to bring the Agency's investigation to an early closure to the satisfaction of all concerned.

52. He recalled the obligations of all Member States with respect to the implementation of their safeguards agreements. He also encouraged all third parties to share with the Agency any information concerning allegations pertaining to any installation, and to direct all concerns they might have regarding the implementation of a Member State's safeguards agreement to the Agency in order to enable it to discharge its statutory mandate effectively. His country supported the appeal by the Director General to other States that might possess relevant information, including satellite imagery, to make it available to the Agency and to authorize the Agency to share the information with the Syrian Arab Republic. All Member States had committed themselves not to undermine the authority of the Agency in any manner and they should cooperate with it fully to enable it to discharge its responsibilities.

53. Mr GARCÉS-BURBANO (Ecuador) said his country deplored the fact that information relating to a Syrian nuclear facility had not been provided to the Agency in a timely fashion. Ecuador had in several fora categorically condemned the unilateral use of force outside the United Nations system, which undermined the mandate of the Agency. The bomb that had destroyed the Syrian installation had prevented the Agency from discharging its responsibilities under the NPT and Syria's safeguards agreement.

54. Ecuador acknowledged the Agency as the only competent authority responsible for verification and safeguards. States were obliged to provide to it any cooperation it required. His country advocated the peaceful resolution of conflicts within a multilateral framework.

55. All states with comprehensive safeguards agreements were obliged to meet the commitments they had entered into under binding legal instruments, and specifically to inform the Agency of the design and construction of any nuclear facility. Ecuador had noted the results of the analysis of the environmental samples collected by the Agency and the fact that uranium particles had been found. It had also noted the explanation provided by Syria. He called upon Syria to extend the greatest possible cooperation to the Agency and expressed full support for the Director General in his efforts to clarify the situation with Syria's cooperation.

56. Ms LACANLALE (Philippines), noting that the Director General's report had raised several substantive issues that required further clarification by all parties concerned, urged those parties to extend full cooperation to the Agency. Emphasizing the importance of sharing with Syria all information that the Agency had received, or would receive, from third parties that could be of assistance in the verification process, she also urged that country to continue cooperating with the Agency by providing the necessary transparency and the requested documentation and access to facilities to enable it to complete its verification.

57. The Philippines endorsed the Director General's statement to the effect that, as the investigation continued, modalities could be developed to protect the confidentiality of information so as to enable the Agency to continue with its assessment while taking into account concerns over Syria's national security. Her country was concerned that the Agency had been severely hampered in discharging its responsibilities under the NPT and Syria's safeguards agreement by the unilateral use of force and by the late provision of information concerning the building at the Dair Alzour site.

58. She underscored the importance of observing fundamental principles of international law on the sovereignty and territorial integrity of States and emphasized that it was the responsibility of the Agency to verify alleged or suspected violations of safeguards agreements. The Philippines had full confidence in the integrity and impartiality of the Director General and the Secretariat as they endeavoured to resolve the issue.

59. Mr BAAH-DUODU (Ghana) said that, although his country had been pleased to learn from the Director General's report that Syria had provided unrestricted access to all the buildings on the Dair Alzour site during the Agency's visits on 23 June 2008, it had been concerned to note that that country had not been particularly generous with respect to other requests. He urged Syria and all other States that might possess relevant information to cooperate fully with the Agency to enable it to perform its statutory duties.

60. Mr MONAWAR (Afghanistan) said that the discussions on the current agenda item had a bearing on the future of the Agency, its role, capabilities and prestige. When a Member State took a matter into its own hands, violating all norms and values of international relations and law, it created impediments and placed the Agency in a predicament, embroiling it in a culture of accusations and allegations. All Member States should pause and take note when the Director General stated that the Agency had been severely hampered in discharging its responsibilities under the NPT and Syria's safeguards agreement by the unilateral use of force. Afghanistan welcomed the Agency's intention to share with Syria information which had relevance to the Agency's assessment. It also welcomed the readiness on the part of the Government of Syria to continue to honour its safeguards agreement.

61. Ms GOICOHEA ESTENOZ (Cuba) said she could not recall exactly when the Board had started to analyse the accusations made by some Member States regarding the alleged construction of a nuclear reactor in the Syrian Arab Republic, but she did recall that it had been prompted by one

Member State in particular that had launched a desperate, unbridled lobbying campaign with the aim of creating negative opinion and raising questions regarding alleged undeclared nuclear activities on the part of Syria.

62. Cuba believed deeply in multilateralism and in respect for the norms and principles of international law, including the non-use of force in international relations and respect for the sovereignty, independence and territorial integrity of States. It also had confidence in and respect for the professional, impartial and objective work of the Agency and was fully committed to the principle of cooperation between Member States under the Agency's Statute with a view to the effective implementation of activities in its three main areas of activity, in the present case that of safeguards. Such cooperation was essential for the preservation of international peace and security. Fortunately, there were many Member States that shared those principles, but there were others, unfortunately, that did not.

63. Her country was firmly convinced that the topic could not be analysed without putting it in its proper perspective. It would be immoral to ask the Board to take a stance on the matter without, first and foremost, firmly condemning and absolutely rejecting Israel's bombing of installations located on Syrian territory. Cuba had strongly condemned that act as a flagrant and absolute violation of the norms and principles of international law, including the purposes and principles enshrined in the Charter of the United Nations. The Government of Israel, and those who had abetted it indirectly in its abominable transgression of international law, had not informed the Agency in a timely fashion of their 'alleged findings' so it could take action prior to the attack on the installations. The unjustified Israeli action had also hampered the Agency's statutory verification function and posed a clear threat to international peace and security. The danger was even greater because Israel was not a signatory of the NPT and the possibility could therefore not be ruled out that methods might have been used in the bombing that were contrary to the letter and spirit of the NPT and other norms that had been adopted in that field.

64. In addition, the process had been plagued by unacceptable leaks to the press of highly sensitive information. Several weeks before the Director General's report had appeared, articles in the press had revealed that the inspectors had found uranium particles in the environmental samples taken at the Dair Alzour site. Such breaches of confidentiality were not new, but that made them all the more deplorable.

65. Syria had agreed to the Agency's visiting the bombed facility and taking samples there, and had provided unrestricted access to all the buildings. As was to be expected, owing to the special circumstances caused by the Israeli bombings, the Agency had been unable to reach definitive conclusions. Now requests were being made to Syria which went beyond its safeguards commitments. Could any greater transparency be demanded of it? It had recently been the target of another aerial attack. Could it, under such circumstances, furnish sensitive information which might turn up on the Internet the next day, or open the doors to strategic facilities when they might well be bombed? The answer was obvious.

66. Any request to Syria that went beyond its safeguards commitments had to be negotiated with the Syrian authorities on a completely voluntary basis and in full respect for its sovereignty and integrity. Israel, the United States and other States concerned should also cooperate by providing the necessary information. Cuba rejected any attempt to prejudge the outcome of the verification efforts. It likewise rejected any attempt to link technical cooperation with Syria with verification, something that the Director General had recently characterized as totally unfounded both technically and legally.

67. Her delegation had heard, with no surprise but with indignation, veiled threats by a Member State to bring Syria before the Security Council if it did not cooperate to the degree desired by that

State. The Security Council had apparently become the ultimate retribution for sinners on the world stage. Such actions simply reinforced her country's conviction that there was an urgent need for radical reform of the Security Council.

68. Calls had been made for the report to be published. She agreed with the Governor from Egypt that that course of action would not be appropriate at the present time. Some delegations had suggested that the item should remain on the agenda. Any such decision would be premature at present and should be taken on the basis of how the situation evolved.

69. Those parties that had hampered the Agency's verification activities prior to the aerial attack, the State that had breached international law and bombed the installations, and those who were prejudging the outcome of the verification process and poisoning the atmosphere, would bear the responsibility if the Agency was unable to fulfil its statutory functions. Member States should assume collective responsibility and work together to promote the climate of confidence needed for the Agency to maintain its credibility and fulfil the functions for which it had been created. Her country had full confidence in the impartiality, integrity and professionalism of the Secretariat headed by the Director General.

70. Mr KIM Sung-Hwan (Republic of Korea)* noted with concern that, according to the Director General's report, the features of the building that had been destroyed, the water pumping capacity and the analysis of the environmental samples taken pointed to the possibility of a nuclear reactor of the alleged type. His country was particularly concerned that the analysis of the environmental samples taken showed that a number of uranium particles were anthropogenic. The next step would require further cooperation between Syria and the Agency. Syria should provide the Agency with access to the relevant documentation and the locations of the debris and equipment removed from the destroyed building. It had provided access to the Dair Alzour site during the Agency's visit in June, and that cooperative approach would continue to be needed in order to clarify the allegations regarding the nature of the site.

71. The Secretariat should follow up on the matter and report the results to the Board.

72. Mr SOLTANIEH (Islamic Republic of Iran)* said it was regrettable that none of the Western countries that portrayed themselves as proponents of lawfulness and peace had condemned military aggression against a sovereign State and a member of the Agency that contravened the Charter of the United Nations and international law. The United States and other Western countries had claimed that the attack by the Zionist regime of Israel was justified since the site was a nuclear reactor, but that act was a clear violation of IAEA General Conference resolution GC(XXXIV)/RES/533, operative paragraph 3 of which recognized that "an armed attack or a threat of armed attack on a safeguarded nuclear facility, in operation or under construction, would create a situation in which the United Nations Security Council would have to act immediately in accordance with the provisions of the United Nations Charter". The failure of the Security Council to act, and the silence of the few Western countries in the Board, was shameful and attested to an irresponsible policy of double standards.

73. On what legal basis was the Agency to begin verification of such allegations, particularly after military attacks that had prevented the use of normal verification procedures, something the Director General had rightly deplored? It was unacceptable to ignore the cause of the situation and expect Syria, the country that had been attacked, to take action prior to the unanimous condemnation of Israel and the implementation of appropriate measures. It was not the first time that the international community had faced such violations by Israel, which had already attacked an Iraqi nuclear reactor. After that incident, a resolution had been adopted by the General Conference (GC(XXV)/RES/381) contemplating the suspension of Israel's privileges under Article XIX of the Statute, despite threats by the United States to leave the Agency. That kind of blind support by the United States and other

Western countries, completely ignoring the atrocities and violations committed by Israel, only encouraged that country to continue to follow the rules of the jungle, disregarding all international laws.

74. Since the Israeli regime had been created through occupation, had adhered to no disarmament treaties, including the NPT, had placed no nuclear installations under safeguards and had officially declared that it possessed nuclear weapons, its attack against Syria was a serious warning signal for security in the Middle East and the world at large. The lack of protection of confidential information in the case under discussion added to those security concerns. Immediate action by the Agency in response to the military attack against a Member State by Israel, based on allegations of nuclear activities, was crucial to preserve the Agency's integrity and authority. An item on the Israeli military attack against Syria should be placed on the agenda of the General Conference.

75. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela)* said his country shared the Director General's concerns over the hampering of the Agency's verification activities by the unilateral and illegal use of force and the late provision of information concerning the building at the Dair Alzour site. His Government condemned any attack against another country's territory as a flagrant violation of the Charter of the United Nations and a mockery of the principles of peaceful coexistence and respect for territorial integrity. There was no justification for allowing unproven threats to be used as a pretext to justify attacks against other countries, particularly by Israel which lacked any legal and moral authority in that regard.

76. His country welcomed the cooperation Syria had extended to the Agency, allowing inspectors to visit the installations at Dair Alzour and take the necessary samples. Venezuela trusted that that atmosphere of cooperation would be preserved in order to clarify the outstanding issues. On the other hand, the fact that the results of the sample analysis had been disseminated in the mass media before Member States had been officially informed was a cause for concern. It had negative implications both for the Agency and for the parties involved. His country trusted that the Secretariat would take the necessary steps to prevent any recurrence of such a situation.

77. With regard to the discussions held within the TACC, his country agreed with the Director General's view that a State remained innocent until the opposite was proven. He appealed to Member States to avoid any type of pressure or interference that could impede the Agency in carrying out its verification activities. Dialogue and cooperation were needed to bring the work to a successful conclusion.

78. Mr EL-NEAMI (Libyan Arab Jamahiriya)* said that the Agency's Statute was founded on the principle of justice and equality among States. Introducing political factors into the Agency's work only hampered it. Intimidation and threats would do nothing to help achieve a satisfactory solution. Cooperation among all States would dissipate all outstanding doubts and was the optimal way to tackle any issues. Syria should continue to cooperate constructively with the Agency and provide it with all the information it required in order to reach conclusive findings. The Agency should be given the time needed for verification of all ramifications of the issue.

79. His country was deeply concerned over the threat to the Middle East from Israel's possession of nuclear weapons, which it had openly admitted. The fact that the Israeli nuclear programme was still outside the safeguards regime, and that Israel refused to adhere to the NPT, posed a direct threat to international and regional peace and security. It weakened the credibility of the NPT regime, thus contributing to a possible arms race in the region that might create a security breach, endangering world peace and security.

80. Mr OTHMAN (Syrian Arab Republic)* said his country was deeply dissatisfied that the results of the analysis of the samples taken by the Agency's team during its visit to the destroyed site in Syria

had been leaked to the media before they had reached Syria itself. Some countries were obviously attempting to use the issue for political purposes.

81. There was no justification for including in the agenda for the current series of meetings the sub-item currently under discussion. The Director General could have submitted his report under any other business, especially since the information obtained by the Agency's inspectors did not show that the destroyed building was a nuclear reactor. The summary of the visit by the Agency's team to Syria in June 2008 indicated that the building was used by military forces. That finding in itself obviated the need to include a special sub-item on the agenda.

82. It was baffling that the international community was holding accountable a country like Syria, which had suffered aggression, but not the aggressor, Israel. Violating the air space of a Member State of the United Nations and destroying installations in its territory, using suspicions as a pretext for aggression, was a blatant violation of all international laws and standards. The international community should seriously consider adopting a deterrent to such acts in the future. In its aggression against Syria, Israel had used missiles containing nuclear material.

83. With regard to the findings in the Director General's report and the statements made by some delegations, he noted firstly that the destroyed site had been a military installation under construction. The field visit by the Agency's team had demonstrated that it had no connection with any nuclear activity, as had the results of the environmental sample analysis. Secondly, Syria had fully cooperated with the Agency's team when it had visited the site in June 2008. Thirdly, the Agency's team had visited the site of the destroyed building and had observed that the installation was indeed military, and had found no clear indication of the presence of a reactor or nuclear material. Fourthly, samples had been taken freely and at random from the destroyed site and from areas surrounding it. Fifthly, the analysis of one sample had found a very small number of natural uranium particles, while four other samples taken from the same location had been free of any traces of uranium. The use of the term 'significant' in describing the results was an exaggeration. Sixthly, he asked how there could be a nuclear installation at a site without any of the necessary surrounding facilities. The destroyed building stood alone in the desert, whereas any nuclear installation required a complete and integrated infrastructure. Such facilities were nowhere available, as had been witnessed by the Agency's team, which had found no components of a nuclear reactor and no evidence whatsoever that one might have existed — simply because it did not. Seventhly, the report stated that the destroyed building had been box-shaped and might have had underground levels, and that its containment structure appeared to have been similar in dimension and layout to that required for a biological shield for nuclear reactors. Was it appropriate to accuse a State on the basis of speculation that underground levels might exist or that a building was box-shaped? Did that mean that all box-shaped buildings were nuclear reactors? Eighthly, the report indicated that the pumping capacity of the water pumping infrastructure was adequate for a reactor of the size referred to in the allegations. That was baffling, because the pumping station in question fed a water treatment plant. Syrian officials had explained to the Agency's team that it treated and then provided water to villages at some distance from the river. Ninthly, paragraph 7 of the report indicated that the Agency had received no response from Syria to the request it had made on 22 October 2008, yet paragraph 8 stated that Syria had responded in a letter dated 11 November 2008. In its present and past dealings with the Agency, his country had never neglected to respond to the Agency's letters.

84. Syria continued to comply with its obligations under the NPT and its comprehensive safeguards agreement with the Agency. However, the fact that sensitive information had been leaked to the media raised concerns in the light of the conflict situation with Israel. No State in the world would permit disclosure of information on the purpose and nature of its military installations. Syria had been one of the first States to take action at international and regional level with a view to making the Middle East a nuclear-weapon-free zone and a zone free of weapons of mass destruction. Accordingly, no

judgement should be passed on it on the basis of mere suspicions or the mere possibility that it intended to acquire nuclear capabilities.

85. The Agency's inspectors made regular visits to Syria's research reactor, as did Agency experts in connection with technical cooperation projects. No conditions had ever been imposed by his country on those expert visits. Trainees from several States were also allowed to enter all laboratories and locations where nuclear applications were used, which were open to both specialists and to the public. That unequivocally showed that there were no undeclared activities in Syria.

86. He expressed the hope that the Board would understand the situation and not mix political and technical issues, and that the Syrian issue would not be included on the agenda for the Board's next series of meetings.

87. Mr LÜDEKING (Germany) said the recent terrorist attacks in India had demonstrated that some risks could only be effectively addressed jointly: all countries had to cooperate in fighting terrorism. The same was true regarding the risks of proliferation: cooperation in addressing them was of the essence.

88. The concerns expressed about the military action taken against the Dair Alzour site, the provision of information and the maintenance of confidentiality of information should not be allowed to detract from the work before the Agency, nor to provide any reason or pretext for not cooperating with the Agency in the fulfilment of its mandate and its efforts to clarify the questions relating to the alleged nuclear activities in Syria. He expressed the hope that Syria would provide the necessary cooperation in the months to come to enable the questions outlined in the Director General's report to be clarified.

89. A protracted discussion of the subject did not serve the interests of any Member State of the Agency. No one wanted to prejudge the outcome of the investigations, but it was in the interests of all that they should proceed without delay. The report of the Director General testified to the excellent work done by the Secretariat. In view of the extensive speculation in the media, it might be useful to make the report public. It was to be hoped that only one further report on the subject would need to be produced, to be submitted to the Board at its next series of meetings, which would clarify all outstanding issues. Syria could do a lot to help achieve that objective.

90. Mr OTHMAN (Syrian Arab Republic)* said that the issue had to be resolved by the Board and the General Conference, not the media. Releasing the report to the media before the Board arrived at a decision would only lead to confusion. His country therefore supported the proposal by the Governor from Cuba that the report be kept within the confines of the Board. Its contents had already been leaked to the media, but it should not be released officially as it expressed the view of one party only.

91. The CHAIRPERSON said that the Board had taken note with appreciation of the Director General's report contained in document GOV/2008/60, but it had not been possible to arrive at a consensus on whether to make the report public.

92. Several members had noted with satisfaction that Syria had agreed to a visit by the Agency to the Dair Alzour site and to the taking of environmental samples at that site and had, as a transparency measure, provided unrestricted access to all of the buildings on the site. Several members had noted that, during that visit, Syria had stated that the site was a military installation which had not been, and was not, related to any nuclear applications.

93. Several members had expressed serious concern that the Agency had been severely hampered in discharging its responsibilities under Syria's NPT safeguards agreement by the unilateral use of force by Israel, which was not a member of the NPT, and by the late provision of information concerning the building at the Dair Alzour site, as reflected in the Director General's report.

94. They had unequivocally rejected the use of force as a means of dealing with safeguards-related issues, had condemned the attack by Israel against the Dair Alzour facility as a flagrant violation of international law and had considered that it undermined the Agency as the competent and sole authority responsible for verifying and assuring compliance with safeguards agreements.

95. Some members had expressed the view that Agency members should engage in a discussion on the implications for the future of the Agency and its safeguards system which would result from any such action that would call into question the Agency's credibility and pivotal verification role.

96. Several members had expressed their concern with regard to the assessment contained in the Director General's report that, while it could not be excluded that the building had been intended for non-nuclear use, some of the features of the destroyed building at Dair Alzour, along with the availability of adequate cooling water pumping capacity, had been similar to what might be found in connection with a reactor site. They had also expressed concern with regard to the large-scale clearing and levelling operations that had taken place at the site after its destruction, as well as information regarding efforts of Syrian entities to procure material and equipment which could be used in support of the construction and operation of a nuclear reactor. They had called on Syria to provide documentation to support its statements concerning the nature and function of the destroyed building.

97. Several members had expressed their concern at the findings with respect to the environmental samples from the Dair Alzour site, which had revealed a significant number of anthropogenic natural uranium particles produced as a result of chemical processing.

98. Several members had noted Syria's statement that the only explanation for those particles was that they had been contained in the missiles used to destroy the building. They had expressed the view that the best way to clarify that matter was for Syria to allow the Agency to visit relevant sites, including the locations of debris and equipment removed from the site, in order to take additional samples.

99. In that regard, several members had noted that the Agency had requested Israel to provide detailed information pertaining to Syria's claim regarding the origin of the uranium particles, and they had called upon Israel to cooperate fully with the Agency in that regard.

100. Some members had expressed surprise at the non-availability of commercial satellite imagery of the site over a period of more than six weeks following the destruction of the building at the site, and had noted the Director General's statement that that was regrettable and indeed baffling.

101. Several members had expressed regret that Syria had not permitted the Agency to visit the other sites with respect to which requests had been made by the Agency. They had supported the Agency's efforts to continue its investigation in order to settle the various questions raised.

102. Several members had urged Syria to cooperate with the Agency and to provide the necessary transparency measures required by the Agency. They had expressed the view that Syria's conclusion of an additional protocol would be particularly important and useful in that regard.

103. Several members had emphasized the fundamental distinction between the legal obligations of Member States under their respective safeguards agreements and any voluntary confidence-building measures. They had expressed their appreciation for the cooperation which had so far been provided to the Agency by Syria and they had urged Syria to continue to provide full cooperation in accordance with its legal obligations, in order to enable the Agency to complete its assessment.

104. Several members had stressed the importance of observing confidentiality measures aimed at the protection of military and national security information of Member States. They had expressed

serious concerns at the recurring leakage of sensitive information to the media even before the official reports of the Secretariat had been circulated to Member States.

105. Several members had reiterated their full confidence in the professionalism and impartiality of the Director General and the Secretariat and had stressed that all Member States should avoid any undue pressure on or interference in the Agency's activities, especially its verification process, which would jeopardize the efficiency and credibility of the Agency.

106. Several members had called upon all relevant States to extend the necessary cooperation to the Agency and to provide to it in a timely, comprehensive and verifiable manner all pertinent information that might facilitate the completion of the Agency's assessment. Some members had expressed the view that the Agency should be authorized to share such information with Syria.

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

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

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

6. Any other business (GOV/INF/2008/15 and Corr.1)

110. The CHAIRPERSON said that, as she had already informed members during her informal consultations both with area groups and with every member of the Board, it was her intention to launch an informal open-ended process with the aim of considering the long-term future of the Agency. Owing to the divergent views expressed regarding the report by the Commission of Eminent Persons, it was her intention that both the Secretariat's 20/20 report and the report of the Commission of Eminent Persons would constitute resources or inputs for the discussion. Member States might, however, also provide additional inputs. During her consultations, she had circulated clusters of topics on which discussions might focus, endeavouring to encompass all the activities of the Agency. The list did not indicate any priority or relative importance among the clusters, which were only indicative in nature. It was up to members to decide whether they wished to start with those clusters or to add other topics. If there was no objection, she wished to report to the Board that she was launching that process, which she had asked Ambassador Kauppi of Finland to chair.

111. Mr SHAHBAZ (Pakistan)*, speaking on behalf of the Group of 77 and China, said that the Group supported, as a matter of principle, every action aimed at strengthening the capacity of the Agency to fulfil its statutory functions. It therefore appreciated the Chairperson's initiative to establish an open-ended mechanism to discuss the nature and scope of the Agency's programme up to 2020 and beyond. Planning the future of the Agency was an exercise of the utmost importance and all efforts should be made to ensure that exercise was successful. With that in mind, it was essential that the approach be conceived with great care, taking into account the views and expectations of all members of the Agency. Consensus on the agenda, time frame and modalities of work would be crucial before substantive deliberations could commence.

112. Ms MUTANDIRO (Zimbabwe)*, speaking on behalf of the African Union, informed the Board that the African Union Summit held from 24 to 28 June 2008 in Sharm El Sheikh, Egypt, had decided to endorse the candidature of Ambassador Abdul Samad Minty of South Africa for the post of Director

General of the IAEA in the event that the incumbent Director General decided that he would not be available for another term. The Group believed that Ambassador Minty would serve the organization with distinction, given his longstanding commitment to, and involvement in matters related to the Agency's objectives and mandates. It was convinced that the Agency would benefit from Ambassador Minty's experience, both as a seasoned diplomat and an expert on nuclear-related issues. The Group was confident that Ambassador Minty would continue to promote the critical role which the Agency should play in promoting the peaceful uses of nuclear energy. Ambassador Minty also had the requisite managerial and technical knowledge, as well as the experience to guide the Agency towards finding creative solutions to address effectively the new questions and challenges arising from the dynamic environment in which the Agency operated. The Group called upon the Board to support Ambassador Minty's candidature and requested that its statement be circulated as an official document of the Board.

113. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela)*, speaking on behalf of GRULAC, said that the Group supported efforts to strengthen the activities of the Agency in conformity with its Statute. Accordingly, it commended the Chairperson on her initiative to establish a mechanism to discuss the nature and scope of the organization's programme up to 2020 and beyond. Given the importance and complexity of the issue, discussion among Member States would be needed to ensure the different approaches were taken duly into account and a balance among the Agency's statutory activities ensured. For that reason, it was essential to define clearly the agenda, methodology and time frame for the process before discussions began.

114. Mr CARON (France), speaking on behalf of the European Union, said that any dialogue on the future of the Agency should be conducted in the light of the following principles: the consultations should be informal and open to all; they should proceed in a sequential manner; the reports of the Secretariat and of the Commission of Eminent Persons did not have any particular status, and other material could also be useful; the discussions should remain within the framework of the Agency's statutory framework; no predetermined objective existed or had been agreed in terms of possible conclusions; finally, the discussions should not compromise the work and various initiatives within the Agency.

115. Current concerns regarding energy security were prompting many countries to review their energy policies and there had been a number of recent developments in that regard in the European Union.

116. On 3 and 4 November, the third meeting of the European Nuclear Energy Forum had been held in Bratislava in the presence of the Prime Ministers of Slovakia and the Czech Republic. The two previous meetings, held in Bratislava and Prague, had been attended by Mr Barroso, the President of the European Commission, Commissioner Piebalgs, ministers and high-level representatives of Member States and leaders of major European nuclear industries. The third meeting had been attended by 200 high-level representatives of the Governments of European Union countries, industry, finance and civil society. A wide-ranging debate had been held on potential, risks and transparency issues in relation to nuclear energy, notably on the establishment of a common European framework for nuclear safety. The European Union wished to remain at the forefront of those issues in order to share its safety culture, and it believed that the development of nuclear energy in newcomer countries should go hand in hand with greater cooperation with the Agency. The next meeting of the Forum would be in Prague on 28 and 29 May 2009.

117. Those developments showed that the European Union was continuing its efforts to ensure that the development of nuclear energy proceeded in a responsible fashion with the highest possible levels of safety, security and non-proliferation. The Agency was the body best qualified to ensure that

countries exercised their inalienable right to the peaceful use of nuclear energy in a responsible manner.

118. Mr AMANO (Japan), referring to document GOV/INF/2008/15 on the SAL, said that his country was considering substantial contributions to assist the Secretariat in accelerating efforts to strengthen the SAL, though the figure was still under discussion with the Secretariat. It welcomed the fact that the Secretariat was holding consultations with Member States and hoped those plans would proceed in a timely manner.

119. As announced at the 52nd session of the IAEA General Conference, Japan planned to hold a seminar in collaboration with the Agency on global nuclear fuel supply on 26 January 2009 in Vienna. The main aim of the seminar was to provide an opportunity for further discussion, focusing on fact finding and enhancement of the transparency of nuclear fuel supply. Detailed information would be circulated as soon as it was finalized.

120. He informed the Board that, on 10 November 2008, the Minister for Foreign Affairs of Japan had written to the Chairperson informing her that the Government of Japan had nominated himself for the post of Director General. He would be honoured to meet with Member States to discuss issues of common interest in January 2009, after the closing date for the receipt of nominations.

121. Mr BERDENNIKOV (Russian Federation) said that his country continued to support the Agency's efforts to counter the threat of nuclear and radiological terrorism, inter alia through the provision of assistance to States to enhance the effectiveness of measures to prevent malevolent acts targeting nuclear and radioactive material and related facilities, and to detect and respond to such acts. In that connection, he announced that the Russian Federation had decided to make a voluntary contributions of US \$1.5 million to the Agency's Nuclear Security Fund in 2010, and of \$1 million annually over the period 2011–2015, in order to help the Agency find high-quality solutions to problems related to physical protection, nuclear safety and security of nuclear material, prevention of illicit trafficking in nuclear material, and accounting for and control of such material.

122. Mr ARSHAD (Malaysia), referring to the Chairperson's proposal to launch informal consultations regarding the long-term future of the Agency, requested that the issue of financing of the Agency's technical cooperation programme, and in particular the need for resources to be sufficient, assured and predictable, be considered as one of the main objectives.

123. On 27 June 2007, the Government of Malaysia had decided to establish a national nuclear monitoring laboratory to carry out environmental sample analyses. An allocation of some 100 million ringgit (approximately \$26 million) had subsequently been approved for the project, which would be launched in Malaysia's next 5-year plan for the period 2011–2016. With the anticipated increase in demand for the analysis of environmental samples in connection with safeguards activities in the region, Malaysia hoped that the facility could eventually be recognized as one of the analytical laboratories in the Agency's international network, the first in the region.

124. An international conference on strengthening partnerships in nuclear energy would be held in Kuala Lumpur from 29 June to 1 July 2009. As countries in the region, including Malaysia, were planning to embark on nuclear power programmes, the conference was timely. One of the conference's objectives was to provide a platform for exchange of views and experience in nuclear power development and related issues. The distinguished international guest speakers included the Deputy Director General for Nuclear Energy, who was also on the conference's board of international advisors. He invited interested Member States to attend the conference.

125. Mr WOOD (Canada) said that his delegation would also be prepared to participate in informal discussions on the future of the Agency through an open-ended mechanism but, before addressing the

various clusters of issues proposed, it was important to have a clear understanding of the parameters of the discussions, what the anticipated outcome would be, and next steps. In view of the broad scope and context of the two reports, it might also be useful to begin with a discussion of the nature of the Agency itself as an institution before considering clusters of specific issues that fell under its responsibility. No significant matter relevant to the future of the Agency should be excluded from the informal discussions. Reiterating the comment made by his delegation at the September meetings of the Board, he stressed that it would be premature at the current stage to use the two reports and their recommendations to frame the forthcoming discussions of the programme and budget for the next biennium.

126. Turning to an important issue that would be on the Board's agenda in 2009, he recalled that, in 1997, the member States of the United Nations General Assembly had unanimously adopted a resolution entitled Strengthening of the United Nations System (A/RES/51/241), which encouraged United Nations specialized agencies to consider term limits for their respective executive heads (Annex, paragraph 69). That issue had also been discussed by the Board of Governors in the past. Canada believed that, as envisaged in resolution A/RES/51/241, Member States should consider limiting the number of terms of office of the next Director General to a maximum of two.

127. Mr TANG Guoqiang (China) expressed appreciation for the Chairperson's suggestion to initiate discussions on the future of the Agency. In view of the diverse and complex situation in the nuclear field and the great expectations which countries had of the Agency's future role, the organization should, on the basis of an assessment of future international development trends, carefully position its mandates so as to ensure balanced and strong development of the two statutory functions of promoting the peaceful uses of nuclear energy and preventing the proliferation of nuclear weapons. China attached great importance to the Agency's future role and would continue to make a constructive contribution to the relevant discussions.

128. The current revival of nuclear power appeared to be gaining momentum and many developing countries were working on plans for the introduction of nuclear power. In response to that situation, in April 2009 China would be hosting the International Ministerial Conference on Nuclear Energy in the 21st Century. It invited senior officials in the nuclear energy field from all countries to attend the conference and hold discussions on matters of vital importance relating to the sustainable development of nuclear energy.

129. Mr KUMAR (India), in the light of some of the points raised, asked whether the Chairperson's consultations regarding the proposed open-ended discussion process on the future of the Agency had yielded any conclusions with respect to the expected outcome.

130. The CHAIRPERSON said she would prefer to hear the comments of other Member States before responding.

131. Ms MACMILLAN (New Zealand) said that the future of the Agency was an issue of central importance and one to which her country attached great significance. New Zealand was of the opinion that the report of the Commission of Eminent Persons should be a useful resource in the proposed discussions of that matter. The issues raised in the report were complex, multifaceted and sensitive, and there were a number of political, economic and administrative challenges associated with them. The report also contained a series of proposals, including some on verification and the additional protocol, which her country considered promising; but there were others with respect to which it would have further questions.

132. However, New Zealand believed that there were wider issues to consider in relation to the future of the Agency than those covered in the report and it would not wish to see the efforts of Member States constrained in any way by the structure or content of the report. Her country joined others in

calling for a consultation process that was driven by members and was inclusive, transparent and consensus-based. It did not believe that the process could be rushed and considered it imperative that Member States agree fully on the structure, time frame and objective of any consultation process before substantive discussions began. To be truly effective, decisions on the future of the Agency had to be agreed by all members and taken forward in a considered manner.

133. Mr VEDOVATTI RAFFO (Uruguay) said that the report of the Commission of Eminent Persons was a thorough analysis of the future of the Agency. He stressed that the Agency's future was not an issue that had to be addressed urgently, since the organization was functioning correctly and carrying out its tasks in a satisfactory manner. It was important to hear the opinions of all Member States on that important issue. Uruguay did not have any definite idea as to what was the best procedure to follow and felt it was important to keep options open.

134. The clusters proposed by the Chairperson addressed core issues raised by the report. However, his country was not sure that the time was ripe for a discussion of that type, or whether, rather, the general discussion should continue with a view to defining a procedure. Any discussion should be transparent and open to all.

135. He highlighted the problems faced by smaller delegations, such as that of his own country, which found it very difficult, if not impossible, to participate in a large number of groups if they were meeting simultaneously.

136. Though the issues related to the future of the Agency were not urgent, that did not mean that discussion of them should be postponed. In order not to hinder the Agency's regular work, the discussions should be conducted entirely independently of its normal activities. There should be broad agreement and flexibility with regard to the procedure to be followed. Finally, the report of the Commission of Eminent Persons was only one contribution to the discussion and should not be a determining factor.

137. Mr DRAPER (United Kingdom) drew attention to United Nations General Assembly resolution A/RES/51/241 on strengthening of the United Nations system and, in particular, the proposal contained therein regarding terms of office for executive heads of organizations. He endorsed the comments of the representative of Canada in that regard and proposed that the issue of term limits for the executive head of the Agency be added to the agenda for the March meetings of the Board.

138. Mr SCHULTE (United States of America) welcomed the important contribution by the Russian Federation to the Nuclear Security Fund.

139. The report of the Commission of Eminent Persons on the future of the Agency and the Secretariat's 20/20 report offered a number of thoughtful ideas that deserved consideration. It would be premature to establish any formal committee to consider those reports, but his country welcomed the Chairperson's efforts to set up an informal working group to review them.

140. A prerequisite for such an initiative would be for the Secretariat to draft a report identifying those recommendations that were already being implemented and those that lay outside the Agency's statutory authority. He also called upon the Secretariat to report on any aspects of its work that might have been overlooked by the Commission. The Secretariat should prioritize the remaining recommendations and provide projected estimates for the cost of implementation and, where appropriate, should identify alternative sources of funding. With that information, Member States would be equipped to engage in meaningful and effective informal discussions.

141. A further prerequisite for the establishment of any working groups should be a common understanding that they were to be informal, open-ended and without decision-making authority. To conserve the limited resources of the Agency and Member States, such groups should be scheduled in

parallel to regular meetings of the Board and its subsidiary bodies. His country would oppose the establishment of any informal group to work on issues that lay outside the Agency's statutory authority.

142. Now was the time for the Secretariat and Member States to redouble their efforts to ensure that the Agency could continue to meet the challenges ahead, respond to Member States' needs, and operate in an efficient and effective manner.

143. The CHAIRPERSON said that it had been her objective to launch a process that would give Member States the opportunity to hold substantive discussions on the long-term future of the Agency on an informal basis. She found it regrettable that so many Member States were seeking to impose conditions on such a process. Given the number of conditions that had been put forward, it would take at least three months before agreement could be reached even on how to discuss the issues. It would be a lost opportunity to waste so much valuable time before addressing an issue of such importance as the future of the Agency. Given the diverse views of Member States, an informal setting would offer the flexibility needed to achieve progress. She expressed surprise that Member States should be so cautious about entering into informal discussions and stressed that any conclusions reached would still have to be adopted by consensus by the Board. She appealed to Member States to engage in the process she had proposed and discouraged them from placing more conditions on it at the present time.

144. Mr MONAWAR (Afghanistan) endorsed the comments made by the representatives of Canada and the United Kingdom regarding term limits for the position of Director General. Implementing best practice with regard to term limits would offer an opportunity for all regional groupings to be represented in the leadership of the Agency. He requested that the issue of term limits be placed on the agenda of the Board's meetings in March 2009 and invited all candidates for the position of Director General of the Agency to express their support for term limits and their intention to accept the limit of two terms if elected.

145. Ms VERSTO (Norway)* expressed strong support for the Chairperson's proposal to establish an informal, open-ended process to discuss the future of the Agency. Her country had welcomed the Director General's earlier efforts to examine seriously the Agency's future role and future funding. The reports before the Board offered a unique opportunity to work towards strengthening the Agency to the benefit of the international community.

146. In February 2008, Norway had pledged \$5 million towards the establishment of an international uranium fuel bank administered by the Agency. Norway was committed to building an international consensus on steps to support global development and non-proliferation and disarmament goals. An Agency nuclear fuel bank would be an important first step towards an equitable multilateral framework for the nuclear fuel cycle that would provide assurances against supply disruption and would strengthen the non-proliferation regime. Norway was currently taking steps to pay the first part of its pledged contribution and it encouraged the Agency to elaborate the modalities for the establishment of such a fuel bank.

147. Mr SCHELAND (United States of America) thanked Norway for recognizing the importance of reliable access to nuclear fuel for countries interested in investing in nuclear power. He also welcomed the information provided by Japan regarding the conference to be held in January 2009. His country had pledged its own contribution for a nuclear fuel bank at the preceding General Conference and encouraged discussion of a concrete proposal on such a fuel bank administered by the Agency in the near future, ideally at the meetings of the Board in March 2009.

148. Mr SOLTANIEH (Islamic Republic of Iran)* recalled the concerns expressed by all developing countries regarding the lack of assured and predictable funding for technical cooperation and stressed

that that issue should be the first priority in any deliberations by Member States on the future of the Agency. Given the current voluntary nature of funding, and the conditions and restrictions imposed by some donors on political grounds, as his delegation had noted during the discussions in the TACC, he emphasized the absolute necessity of funding technical assistance and cooperation from the Regular Budget.

149. Mr KIM Sung-Hwan (Republic of Korea)* said that he understood that there were now two candidates for the post of Director General of the Agency: Ambassador Minty of South Africa and Ambassador Amano of Japan. Both were outstanding diplomats with robust reputations and long careers in the field of nuclear disarmament and non-proliferation and his country was convinced that both were fully qualified for the position. The Republic of Korea considered it desirable that the candidate from Asia should have the chance to serve as Director General, since no candidate from that region had yet held that post.

150. Mr ENKHSAIKHAN (Mongolia)* said that his country believed that the appointment of the next Director General should follow the principle of fair rotation and that therefore the next Director General should come from a different region, such as the Asian region. Both of the candidates possessed the qualities needed to continue the work of the current Director General. His country wished to express its support for Ambassador Amano of Japan based on his vast experience both within and outside the Agency, and also the aforementioned principle of fair rotation.

151. Mr KUMAR (India) informed the Board of his Government's decision to nominate a candidate for the position of External Auditor for 2010–2011.

— Tributes

152. The CHAIRPERSON bade farewell to Mr Liengsriwat, who had served as Special Assistant to the Director General for Management and as Head of the Programme Planning and Coordination Unit. She wished him well in his future endeavours.

The meeting rose at 1.40 p.m.