

IAEA Board of Governors

Record of the 1231th Meeting
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Implementation of the NPT safeguards agreement in the Syrian Arab Republic

Board of Governors

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Record of the 1231st Meeting

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¹ GOV/2009/16.

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 SHOOGUFAN	_____	Afghanistan
Mr HOXHA		Albania
Mr KHELIFI		Algeria
Mr CURIA		Argentina
Mr SHANNON		Australia
Mr VALLIM GUERREIRO		Brazil
Mr DIALLO		Burkina Faso
Ms GERVAIS-VIDRICAIRE		Canada
Mr TANG Guoqiang		China
Ms GOICOCHEA ESTENOZ		Cuba
Mr STACEY MORENO		Ecuador
Mr FAWZY		Egypt
Ms KAUPPI		Finland
Mr CARON	}	France
Mr DENIAU		
Mr LÜDEKING		Germany
Mr BAAH-DUODU		Ghana
Mr KUMAR		India
Mr ALSHARIA	}	Iraq
Mr AQRAWI		
Mr COGAN		Ireland
Mr AMANO	}	Japan
Mr NAKANE		
Ms GREIČIUVIENĖ		Lithuania
Mr ARSHAD		Malaysia
Mr DÍAZ		Mexico
Ms MACMILLAN		New Zealand
Ms LACANLALE		Philippines
Mr NECULĂESCU		Romania
Mr BERDENNIKOV		Russian Federation
Mr AL-SAUD		Saudi Arabia
Mr MINTY	}	South Africa
Mr GUMBI		
Mr ROSELLÓ SERRA		Spain
Mr STEINMANN	}	Switzerland
Mr MARFURT		
Mr FIDAN		Turkey
Mr SMITH		United Kingdom of Great Britain and Northern Ireland
Mr SCHULTE	_____	United States of America

Attendance (continued)

Mr ELBARADEI
Mr RAUTENBACH
Mr ANING

Director General
Director, Office of Legal Affairs
Secretary of the Board

Representatives of the following Member States also attended the meeting:

Angola, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Greece, Guatemala, Holy See, Hungary, Iceland, Islamic Republic of Iran, Israel, Italy, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malta, Montenegro, Morocco, Namibia, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Portugal, Qatar, Republic of Moldova, Senegal, Serbia, Singapore, Slovakia, Slovenia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, Ukraine, United Arab Emirates, Bolivarian Republic of Venezuela, Vietnam, Yemen and Zimbabwe.

Abbreviations used in this record:

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
NWFZ	nuclear-weapon-free zone
R&D	research and development
SQP	small quantities protocol

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

4. 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** (continued) (GOV/2009/8)

1. Mr CURIA (Argentina) expressed regret at the lack of substantial progress on the issue since the November 2008 report of the Director General. It was a matter of serious concern that Iran had flouted Security Council resolutions by failing to suspend its enrichment related activities and heavy water related projects, including the construction of the IR-40 heavy water moderated research reactor and the production of fuel for that reactor.
2. Moreover, Iran had not implemented the modified text of its Subsidiary Arrangements General Part, Code 3.1, on the early provision of design information, and had continued to refuse to permit the Agency to carry out design information verification at IR-40.
3. Contrary to the requests of the Board of Governors and the Security Council, Iran had not implemented the additional protocol, nor had it agreed to the Agency's request that it provide, as a transparency measure, access to additional locations related, inter alia, to the manufacturing of centrifuges, R&D on uranium enrichment, and uranium mining and milling.
4. Iran needed to provide substantive information and access to relevant documentation, locations and individuals, in connection with all of the outstanding issues relating to the possible military dimensions of its nuclear programme.
5. With respect to the alleged studies in particular, Iran should begin by clarifying the extent to which the information it had been shown was factually correct and where, in its view, such information might have been modified or related to non-nuclear purposes.
6. Iran should implement the transparency measures requested by the Security Council in order to enable the Agency to provide credible assurances about the absence of undeclared nuclear material and activities in Iran. Argentina urged Iran to implement all measures required to build confidence in the exclusively peaceful nature of its nuclear programme at the earliest possible date.
7. It was important that Member States that had provided documentation to the Agency agreed to the Agency's providing copies thereof to Iran.
8. Mr VALLIM GUERREIRO (Brazil), noting that the situation described in the Director General's latest report was not substantially different from the one presented to the Board at its session in September 2008, said he hoped that the Director General would soon be in a position to report progress on the matter.
9. He urged Iran and the Director General to work together to find a way out of the present deadlock. His delegation looked forward to future negotiations and discussions, which it hoped would contribute to reducing tensions in the region.
10. Mr TANG Guoqiang (China), associating himself with the statement made by Mr Deniau on behalf of France, Germany and the United Kingdom, along with China, the Russian Federation and the

United States of America, welcomed the fact that the Agency had been able to continue to apply safeguards and verify the non-diversion of declared nuclear material in Iran.

11. It was a matter of concern, however, that Iran had still not implemented relevant Security Council resolutions, had continued its enrichment related activities and had yet to cooperate further with the Agency to resolve outstanding issues. China valued the continued efforts of the Director General and the Secretariat to resolve the issue and would continue to support the Agency's work in that area.

12. China supported the international nuclear non-proliferation regime and advocated a negotiated solution to the Iranian nuclear issue. As a State Party to the NPT, Iran had the right to use nuclear energy for peaceful purposes, but it must also fulfil its international obligations. A new window of opportunity had opened up in the effort to resolve the Iranian nuclear issue, and China hoped that all parties concerned would maximize that opportunity by intensifying diplomatic efforts and remaining as flexible as possible in order to re-open dialogue and negotiations with a view to finding a comprehensive, lasting and appropriate solution.

13. His country hoped that Iran would implement fully the resolutions of the Board and the Security Council, strengthen cooperation with the Agency, resume implementation of the additional protocol and build the confidence of the international community in its nuclear programme.

14. Mr SHANNON (Australia) said that Iran's nuclear activities remained a source of concern for several reasons. Firstly, Iran's long history of undeclared nuclear activities meant there was a lack of confidence that it was being totally transparent. Secondly, Iran had failed to address substantively a number of outstanding issues, including the possible military dimensions of its nuclear activities. Thirdly, Iran had continued to fail to comply with the requirements of the Security Council and the Board of Governors. Finally, the Agency was still unable to provide assurances about the absence of undeclared nuclear materials and activities in Iran.

15. Australia remained deeply concerned by Iran's failure to suspend all proliferation sensitive nuclear activities, as required by the Security Council. Instead, Iran was continuing with its enrichment related activities and heavy water related projects. His country was also concerned by Iran's failure to implement the additional protocol and other transparency measures, as requested by the Agency and required by the Security Council.

16. Furthermore, Iran continued to act in a manner inconsistent with its existing safeguards obligations by continuing to refuse the Agency's repeated requests to verify design information at the IR-40 reactor. Iran continued to disregard its obligations under the Subsidiary Arrangements General Part, Code 3.1, and the Agency had still not received the preliminary design information it had requested in December 2007.

17. The report contained in document GOV/2009/8 was the fourth report that indicated a lack of substantive progress on clarifying the possible military dimensions of Iran's past nuclear activities. That was a result of continuing non-cooperation by Iran. It was important not to lose sight of the fact that those possible military dimensions remained a matter of serious concern. The Agency had consistently requested Iran to: resolve questions on the so-called alleged studies relating to uranium conversion, high-explosives testing and the design of a missile re-entry vehicle, which might have a military dimension and which appeared to have had administrative interconnections; provide more information regarding Iran's acquisition of the uranium metal document; clarify the procurement and R&D activities of military related institutes and companies that could be nuclear related; and, clarify the manufacture of nuclear equipment and components by companies belonging to defence industries.

18. His delegation commended the Agency for continuing to pursue those issues, encouraged it to continue its investigation and called on Iran to provide the Agency with the information it had sought, as well as access to relevant documentation, locations and individuals.

19. He noted that the Agency had reported no cooperation by Iran since the Director General's report of 15 September 2008. Iran was required by the Security Council to implement without delay the transparency measures requested by the Agency.

20. He urged Iran to make the strategic decision to meet its international obligations, suspend its proliferation sensitive nuclear activities and cooperate fully with the Agency. He further urged Iran to take full advantage of the new opportunities for engagement, to consider positively the offer made by the Governments of France, Germany and the United Kingdom, along with China, the Russian Federation and the United States of America, and to choose the path of dialogue and cooperation.

21. Australia called for the publication of the report contained in document GOV/2009/8.

22. Mr NAKANE (Japan) said it was a matter of concern that Iran continued to conduct enrichment related activities, work on heavy water related projects and maintain its suspension on implementation of the additional protocol, which it had yet to ratify. It was deeply regrettable that Iran was conducting R&D activities on a new generation of centrifuges and was expanding its enrichment related activities at Natanz. It was also deeply regrettable that Iran continued unilaterally to uphold the suspension of implementation of Code 3.1 of the Subsidiary Arrangements and to refuse the design information verification visit at IR-40. It was also a matter of serious concern that the Agency had still not been able to make substantive progress in relation to the alleged studies and other key remaining issues.

23. Japan strongly urged Iran to cooperate fully with the Agency and to provide both substantive explanations regarding the alleged studies and access to relevant documentation and individuals in order to clarify the nature and scope of all its past and present nuclear activities.

24. Unless the current Iranian position changed, it was unrealistic to expect that the confidence of the international community would be restored and it would be difficult for the Agency to make further progress in its investigations.

25. To restore the confidence of the international community and to 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. Also, Iran needed to implement and ratify the additional protocol, take other transparency measures and cooperate fully with the Agency in accordance with the relevant resolutions of the Board of Governors and the Security Council.

26. To achieve a peaceful and diplomatic solution to the Iranian nuclear issue, Japan urged Iran to take seriously all the relevant resolutions of the Board and the Security Council, and to return without delay to the negotiation process, based on the comprehensive package proposed by the six countries — France, Germany, the United Kingdom, as well as China, the Russian Federation and the United States of America.

27. Japan supported the diplomatic efforts being made by those States and would itself continue to take every opportunity to encourage Iran to respond to the requirements of the international community.

28. Ms LACANLALE (Philippines) expressed full confidence in the integrity, impartiality and professionalism of the Director General and the Secretariat and commended them for their continued dedication and hard work.

29. She welcomed the fact that the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran. She also welcomed the cooperation extended by Iran during Agency inspections. However, the Philippines remained concerned that there had been no substantial progress on the outstanding issues mentioned in the Director General's previous reports. She urged Iran to cooperate fully with the Agency and those States which had provided information to the Agency to share it with Iran.

30. Iran should implement the additional protocol, comply with the relevant resolutions of the Board of Governors and the Security Council, and continue to implement confidence-building measures to enable the Agency to provide credible assurances about the exclusively peaceful nature of its nuclear programme.

31. Her country shared the hope expressed by the Director General that the apparent fresh approach by the international community to dialogue with Iran would give new impetus to the efforts to resolve the issue. In that connection, she welcomed the statement made by the Governor from the United States of America on the strengthening of diplomatic initiatives for direct engagement with Iran. She affirmed the importance the Philippines attached to finding a peaceful and comprehensive solution to the issue through continued consultation and dialogue. Building trust was the key to solving the Iranian nuclear issue and to achieving peace and stability in the Middle East.

32. Ms MACMILLAN (New Zealand) said that her country continued to have concerns about the nature of Iran's nuclear programme and its possible military dimension. Iran had still not provided the Agency with the necessary information and access to be able to address those concerns.

33. New Zealand had noted with concern the Director General's assessment that Iran's continued refusal to grant the Agency access to IR-40 could prevent the Agency from carrying out effective safeguards at that facility and that it would also compromise the Agency's ability to fulfil the requests made of it by the Security Council.

34. She expressed concern that access had not yet been granted to the heavy water reactor at Arak. New Zealand supported the Agency's continued efforts to carry out such tasks and urged Iran to adopt a proactive and transparent approach to cooperation.

35. It was essential that Iran comply without delay with all the decisions and resolutions of the Board of Governors and the Security Council in order to resolve all outstanding issues. In particular, Iran must suspend all enrichment and reprocessing activities as a matter of priority so as to allay the serious concerns of the international community.

36. Mr MARFURT (Switzerland) noted that Iran had not increased its cooperation regarding the possible military dimensions of some of its past nuclear activities. It was continuing its enrichment related activities and installing new centrifuges, albeit at a steady pace. Theoretically, Iran had enough LEU to produce the HEU required to build a nuclear weapon. Also, it was now in a position to produce fuel rods for the IR-40 reactor, which the Agency had not been permitted to visit and which was capable of producing plutonium.

37. While there had not been any significant progress on certain issues, the readiness of some key parties to adopt a new approach provided an encouraging sign. Also, Iran continued to reaffirm its intention to comply with the NPT. Thus, it appeared that the possibility of a diplomatic solution was closer than ever. His delegation encouraged the main stakeholders to seize every available opportunity to engage in genuine negotiations.

38. Notwithstanding any diplomatic process, Iran had a duty to cooperate with the Agency on the alleged studies and associated key issues.

39. He called on those Member States that had provided information to the Agency to authorize it to use the information as it deemed appropriate.

40. Mr AQRAWI (Iraq) commended the scientific achievement of the Islamic Republic of Iran in its test startup of the Bushehr reactor, the first nuclear power plant in the region. He hoped that it would have a positive impact on the well-being of the Iranian people and that it would be used in such a way as to strengthen the security and stability of a region, where the situation was sensitive. Iraq hoped that all States in the region would benefit from Iran's experience in attaining nuclear energy under the full supervision of the Agency.

41. There was a need for a balanced approach by all parties to the Iranian nuclear file. The Agency's demands were legitimate and fully supported by the Board's resolutions. They should be complied with by all parties in order to arrive at a peaceful solution based on diplomacy and dialogue with a view to closing the file.

42. He stressed the inalienable right of all States under the NPT to use nuclear power for peaceful purposes. At the same time, however, there was a need for transparency in order to build the confidence of the international community. The best way to do so was through implementation of the additional protocol and Iraq called on Iran to return to voluntary implementation of, and to ratify, the additional protocol and also to suspend its enrichment related activities in order to restore confidence in the peaceful nature of its nuclear programme.

43. He urged Iran to implement the recommendations of the Director General as set out in of the report and to cooperate and provide substantive information in order to resolve all the outstanding issues. In particular, Iran should allow the Agency access to locations, documents and individuals in order to dispel any doubts about the possible military dimensions of its nuclear programme.

44. He appealed to Member States to allow copies of the documents they had submitted to the Agency to be provided to Iran, according to the principle of mutual transparency between all parties.

45. International efforts to verify the Iranian nuclear programme must be taken in the context of addressing the risk of proliferation in the Middle East as a whole. The credibility of the international community and the Agency depended on the measures taken to implement all the relevant resolutions of the Security Council and the General Assembly, as well as those of the General Conference relating to the establishment of a NWFZ in the Middle East and the recommendations of the NPT Review Conferences, especially the 1995 Review Conference, in that regard. Failure to take serious steps to establish a NWFZ in the Middle East was one of the most important factors underlying the region's instability.

46. Ms GOICOCHEA ESTENOZ (Cuba) said that her delegation failed to see why the issue of safeguards in the Islamic Republic of Iran continued to be subject to the scrutiny of the Board; had justice prevailed, the matter would already have been closed and safeguards applied routinely in Iran.

47. The targets of the work plan agreed between the Secretariat and Iran had been achieved in full thanks to the effort, dedication and good faith of both sides. The clarification of outstanding issues meant that the matter should have been closed in March 2008, both in Vienna and the Security Council, to which it should never have been sent in the first place. The fact that it had been was highly indicative of the political nature of the matter.

48. Iran's nuclear activities and its uranium enrichment programme were under strict Agency safeguards. Iran had complied fully with its safeguards obligations, and the Secretariat had stated once again that there was no diversion of declared nuclear material for non-peaceful purposes. Moreover, the Agency had found no evidence of any undeclared activities in Iran.

49. The so-called alleged studies did not form an integral part of the work plan, but were being used by some Member States to justify their geopolitical agenda and keep Iran in the dock. She deplored the total hypocrisy that consisted in demanding that Iran provide information about matters that it had not been able to study in detail, simply because the source of that information — itself of dubious origin — had refused to provide Iran with the relevant documentation.

50. It was necessary for the Board to legislate and expressly to request those Member States to cooperate with the Agency and make possible the forwarding of the documentation to Iran; that would be a confidence-building measure on their part and would also eliminate the current double standards according to which Iran was required to extend greater cooperation while others were released from any such obligation. The request concerning alleged studies went far beyond Iran's obligations under its safeguards agreement and was geared to obtaining information related to its defence and national security, which was in violation of the principles of international law. Verification was not and could not be an unlimited process nor should it violate the sacrosanct norms of international law. The demand by the Security Council for Iran to cease its enrichment activities was blatantly political and in no way related to the Agency's verification work.

51. The international community was trapped in a vicious circle; the issue was a recurrent topic because some Member States had an interest in keeping it under consideration in order to serve their own geopolitical strategies and interests in the Middle East. Cuba denounced the double standards inherent in the political positions of those Member States, which, paradoxically, turned a blind eye to the aggressive policy of Israel, the only State in the region that had not signed the NPT. Cuba reiterated the demand made by NAM that Israel should sign the NPT and submit all its facilities to the Agency's verification process. The implementation of safeguards in Iran should be dealt with as a routine matter by the Agency. It was time for the political manipulations of such sensitive issues to stop and for the Board to be given the opportunity to conduct its debates in keeping with its Statute and in accordance with the purposes for which it was created. Cuba's firm conviction was that the issue could be solved only by dialogue and negotiation on the basis of equality, without conditions and in full accordance with international law.

52. Mr DÍAZ (Mexico) noted from the report that the Agency's physical inventory verifications at Iran's Fuel Enrichment Plant and Pilot Fuel Enrichment Plant confirmed Iran's declaration and that all nuclear material at those plants remained under Agency containment and surveillance. However, he expressed continuing concern regarding Iran's refusal to grant the Agency access to its IR-40 nuclear research reactor, thereby limiting the Agency's ability to carry out effective safeguards at that facility. It was also a matter of concern that, following repeated requests by the Director General, Iran had still not provided the substantive information and access the Agency had sought, which meant that the Agency had not been able to exclude the existence of possible military dimensions to its nuclear programme. It was also regrettable that Iran continued to be in contempt of Security Council resolutions in not suspending its enrichment related activities or its work on heavy water related projects. It was important to bear in mind that Security Council resolutions were obligatory for all Member States.

53. It was essential for the Government of Iran to provide unrestricted access to locations related to the manufacture of centrifuges, R&D on uranium enrichment, and uranium mining and milling. It was an essential prerequisite for the Agency to provide credible assurance about the absence of undeclared nuclear material and activities. Mexico urged Iran to cooperate with the Agency without delay and to take all necessary measures so that each and every outstanding issue could be resolved in a transparent and expeditious manner. Iran should immediately suspend all uranium enrichment activities as an indispensable measure for confidence building and in observance of Security Council resolutions. The confidence of the international community had been undermined and an additional effort of transparency was required on the part of the Iranian authorities, who should offer credible guarantees

regarding the absence of undeclared nuclear material and activities. It was a complex matter, and the only way to resolve it was through renewed dialogue and negotiation between all parties involved. Mexico hoped that in the near future there would be substantive progress towards a permanent solution of the issue.

54. Mexico had always given high priority to nuclear disarmament and non-proliferation and considered that only through the cooperation of all States would it be possible to achieve the goal of a world free from nuclear weapons. Under the NPT all countries, including the developing countries, had the right to development and to the practical application of nuclear energy for peaceful purposes, provided they met their obligations to ensure that nuclear technology was not used for military purposes. In order to build international confidence States should demonstrate in a transparent way that their nuclear activities did not have military ends by submitting them to comprehensive Agency safeguards.

55. Mr FIDAN (Turkey) welcomed the fact that the Agency had been able to continue to verify the non-diversion of declared nuclear material in the Islamic Republic of Iran, but noted that the Director General had reported that it was not yet in a position to provide assurance about the absence of undeclared nuclear material and activities in that country. It was important that the outstanding issues relating to Iran's nuclear programme be addressed in a constructive and transparent way, and be brought to a positive conclusion without further delay. Turkey supported the use of peaceful means to deal with the crisis of confidence between Iran and the international community as regards the scope and nature of that country's nuclear programmes. All States, provided that they abided by their NPT obligations, had the right to develop nuclear energy for peaceful purposes without discrimination. Turkey hoped that once confidence in the exclusively peaceful nature of Iran's nuclear programme was restored, the Agency would be able to devote more time, energy and resources to its other statutory functions.

56. Mr BAAH-DUODU (Ghana), while noting from the report that the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran, including all declared LEU, also noted that it had not been able to make progress on the long outstanding issues, which had given rise to concerns about possible military dimensions to Iran's nuclear programme. Ghana urged that the information and access requested by the Agency be provided. Ghana also encouraged Iran to implement the additional protocol to enable the Agency to provide credible assurance about the absence of undeclared nuclear material and activities. Ghana believed that diplomacy and dialogue were the best means of finding a comprehensive and long-term solution to the Iranian nuclear issue, and that all parties must cooperate with the Agency in that direction.

57. Mr HOXHA (Albania), expressed appreciation for the Agency's efforts to keep Iran's Fuel Enrichment Plant under surveillance and to ensure that declared nuclear material was not being diverted for other purposes. Nevertheless, no real progress was evident with regard to a number of outstanding sensitive issues and the international community regrettably remained locked in a vicious circle. The Agency had repeatedly requested more information that was crucial for determining the real nature of Iran's nuclear programme, but Iran continued to refuse to comply, thereby increasing doubts about possible diversion. Iran had refused, in defiance of five Security Council resolutions, to suspend uranium enrichment and construction of its heavy water reactor. That attitude had clearly not contributed to increased transparency and had not improved mutual trust and confidence; rather it had contributed to increased international concern.

58. Albania recognized the legitimate right of Iran, as well as of any other State, to develop a nuclear programme under the NPT in compliance with the rules and regulations of the Agency, in particular the right to civil nuclear power, but not in contravention of Security Council resolutions and Agency requests. Iran should cooperate fully and transparently with the Agency and it should

implement the additional protocol, which was crucial for the Agency in providing credible assurance about the absence of undeclared nuclear material and activities. Iran must take all measures without delay to demonstrate to the international community that its nuclear programme was of an exclusively peaceful nature. Albania believed that all the outstanding issues between the Agency and Iran should and could be discussed and resolved through negotiations in accordance with frameworks already proposed.

59. Mr GUMBI (South Africa) noted from the report that Iran had continued to provide the Agency with access to declared nuclear material and that the nuclear material at its Fuel Enrichment Plant, as well as all installed cascades, had remained under Agency containment and surveillance. He encouraged Iran to pursue such cooperation, which had enabled the Agency to continue to verify the non-diversion of declared nuclear material. South Africa also appreciated the cooperation extended by Iran during the 21 unannounced inspections that had been carried out at the Fuel Enrichment Plant since March 2007. His delegation noted that the Agency had carried out a physical inventory verification at the Bushehr nuclear power plant in December 2008 and that the fuel assemblies imported from the Russian Federation remained under Agency seal. However, South Africa continued to share the Director General's concern that after many years of verification activities in Iran the Agency was still not in a position to conclude that there were no undeclared nuclear materials or activities in that country, and that the Agency was not able to determine conclusively the nature of Iran's nuclear programme.

60. South Africa noted from the report that Iran was still not implementing the modified text of its Subsidiary Arrangements General Part, Code 3.1, on the early provision of design information, or the additional protocol. His country once again urged Iran to revisit the suspension of its Subsidiary Arrangements and to sign and ratify the additional protocol without delay. South Africa concurred with the view expressed by the Director General that those mechanisms were crucial not only in building confidence in Iran's nuclear programme but also in enabling the Agency to provide credible assurance about the absence of undeclared nuclear material and activities.

61. South Africa had also noted from the report that there were still issues that gave rise to concerns about possible military dimensions to Iran's nuclear programme, and once again encouraged Iran to provide the Agency as soon as possible with substantive information and access to relevant documentation, locations and individuals in connection with those issues. It was important that the steps required of Iran, which had received a mandatory character through Security Council resolutions, were taken as proof of Iran's willingness to enhance transparency and in order to build confidence in the nature of its nuclear programme. South Africa called upon Iran to abide fully by the Security Council resolutions. Also, South Africa supported the Director General's appeal to those Member States that had provided the Agency with information related to Iran's nuclear programme to allow the Agency to provide copies of that information to Iran. All the parties concerned must pursue constructive dialogue aimed at full understanding of Iran's nuclear activities and programmes and, to that end, make use of the recent change in the political climate.

62. Mr STACEY MORENO (Ecuador) noted with regret that the report had stated that the situation regarding Iran's nuclear programme had not changed, despite the Agency's efforts to determine its true dimensions. The stalemated situation should not be prolonged since it not only increased international tension but might also impair the Agency's credibility, particularly its ability to ensure compliance with its safeguards objectives. An important step in unblocking the current situation should be for those countries that had provided documentation on alleged undeclared activities to authorize sharing of the information with Iran in an act of mutual confidence and transparency. It was heartening that there were new efforts on the part of the international community to resolve the issue based on dialogue, and it would be desirable for a solution to be found through implementation of the

Agency's Statute and the safeguards regime, which guaranteed the Agency's neutrality and independence and were obligatory for Member States.

63. The Agency must base its effectiveness on mutual confidence and act firmly in keeping with its legal framework in order to avoid the introduction of any extraneous political considerations, especially in view of its delicate responsibility to seek to ensure that nuclear energy was used for peaceful, and not military, purposes. The need to bolster international peace and security through the peaceful resolution of conflicts was unchallengeable. Mutual fear, whether justified or not, should be channelled responsibly to avoid the risk of an unbridled arms race and nuclear proliferation. All States deserved respect, just as the international community had the inalienable right to live in peace and security. The Agency should be supported in its efforts so as to ensure cooperation and the effectiveness of its actions. Furthermore, handling of the issue in a technical way might contribute to a better understanding of the real or mistaken difficulties or perceptions that had emerged in the development and application of nuclear energy for exclusively peaceful purposes.

64. Mr ARSHAD (Malaysia) encouraged Iran to continue its cooperation with the Agency and urged all parties concerned to authorize the Agency to provide the necessary documentation to Iran in order to facilitate the resolution of issues related to the alleged studies. Diplomacy and dialogue were crucial to finding a peaceful settlement and, in that context, the resolve of the new United States administration to seek fresh initiatives was welcome. Malaysia strongly believed that the focus of the international community should be directed towards the establishment of a NWFZ in the Middle East, which would be one of the key solutions towards resolving all nuclear related issues in the region. Malaysia therefore urged all countries that had resisted that initiative to reconsider their position in the interests of peace and stability in the region. There could be no blatant double standards.

65. Mr DENIAU (France) said that the Director General's report had underlined a number of persistent difficulties which the Agency was encountering in fulfilling its verification mission in Iran. His delegation, along with those of several other Board members, would be grateful if the Secretariat could explain in legal terms Iran's repeated refusal to grant access to IR-40 in light of its safeguards obligations; Iran's non-implementation of the modified text of its Subsidiary Arrangement General Part, Code 3.1; and its refusal since December 2007 to provide design information on the nuclear power plant to be built in Darkhovin.

66. Mr KUMAR (India) expressed appreciation for the Agency's continued efforts to resolve the issue in a constructive and professional manner. It was apparent from the report that no progress had been made towards addressing the concerns mentioned in the November 2008 report to the Board. His delegation trusted that Iran, and all concerned, would cooperate with the Agency in a spirit of transparency and address those issues. India firmly believed in the desirability of a peaceful resolution of the issue through dialogue and cooperation. The Agency was the best forum for addressing all its technical aspects professionally and impartially in keeping with its Statute. It was also important to address the supply side of proliferation; successive reports by the Director General and recurring disclosures of clandestine supply networks had shown how important that aspect was to a resolution of the issue.

67. Mr SKOKNIC (Chile)* reiterated his country's hope that the issue might be resolved if all the parties involved adopted a constructive attitude respecting the norms of international law. The Security Council resolution and Board decisions had unquestionable legitimacy for all States that were members of the United Nations and the Agency. The report was very clear with regard to the cooperation and transparency that was required in specific issues and the reasons why the Agency was requesting more information from Iran.

68. While Iran had cooperated with the Agency in some aspects and, importantly, the Agency had been able to continue to verify the non-diversion of declared nuclear materials in Iran, paragraphs 19 to 22 of the report highlighted the Director General's concern regarding issues over which there remained serious question marks. It was pointed out that unless Iran implemented transparency measures and the additional protocol, as required by the Security Council, the Agency would not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran. Therefore, Chile once again called on the Government of Iran to provide the Agency with the information and documentation required of it. Iran could contribute to creating a better climate of understanding and mutual respect by heeding the Director General's requests with a view to allaying once and for all the doubts that persisted regarding the nature of its nuclear programme.

69. Ms CALCINARI VAN DER VELDE (Bolivian Republic of Venezuela)* noted that a number of Agency reports had concluded that Iran had complied with its legal obligations under its safeguards agreement. As the current report showed, all the nuclear material declared by Iran remained under Agency containment and surveillance, and the Agency had once again been able to verify that there had not been any diversion in Iran's declared nuclear activities. Iran had demonstrated its willingness, through the work plan agreed with the Agency, to clarify outstanding questions about its nuclear programme. However, the positive atmosphere of dialogue between Iran and the Agency had not been to the liking of a small number of countries, for which political, economic and geopolitical interests in the region had played a crucial role in the unfolding of the debate; the issue had been kept simmering by political manoeuvring, and above all by its referral to the Security Council. A number of Member States, clearly uninterested in resolving the issue, had turned over to the Agency a number of documents of questionable authenticity in a ploy to establish a link between Iran's peaceful nuclear programme and military activities. Even worse, the Agency had not been allowed to provide those documents to Iran, thus hindering the clarification process. Her delegation urged the Director General to make that so-called evidence available to Iran for analysis. Hypocritical attitudes and meddling in the Agency's technical activities undermined not only its credibility but also its verification activities.

70. It had been argued by some that Iran must demonstrate transparency that went well beyond the measures contemplated under its safeguards agreement if the international community was to be confident that its nuclear programme was of an entirely peaceful nature. Venezuela considered that no such demand could be made of any country, because imposing rules that were outside those agreed in the framework of existing legal instruments would create uncertainty between the Agency and Member States and would raise doubts as to the suitability of the relevant legal instruments. The problem was not so much a lack of transparency as a lack of commitment by some countries to find a balanced solution that was not prejudicial to the rights of the parties concerned.

71. All States had an inalienable right to develop technologies for peaceful purposes, including the nuclear option. That right should be applied transparently and in a non-discriminatory manner. Venezuela rejected double standards, as exemplified by the fact that some countries demanded cooperation and transparency from some Member States while ignoring Israel, a non-NPT State not subject to Agency safeguards. The Agency was the technical body competent to deal with Iran's peaceful nuclear programme with the aim of arriving at a negotiated and peaceful solution. In conclusion, her delegation hoped that safeguards could be implemented in Iran in a routine manner.

72. Mr OTHMAN (Syrian Arab Republic)* said that the peoples of the Middle East continued to oppose all pressure being brought to bear on Iran, which was simply exercising its legitimate right to use atomic energy for peaceful applications, despite the fact that it was a State Party to the NPT and complied with all its provisions. After all the intensive verification conducted by the Agency, there was no evidence that Iran had violated its obligations under its comprehensive safeguards agreement. The Islamic Republic of Iran had been complying with the Agency's Statute and its safeguards agreement.

73. At issue was a blatant case of double standards. Israel possessed military nuclear capabilities in violation of all international resolutions and had not submitted itself to any international supervision, and yet it was allowed to act in total impunity and was not held accountable. Meanwhile, unbased allegations were taken as a pretext to put pressure on Iran and some other States in the region.

74. There was an urgent need to establish a NWFZ in the Middle East, the best way of achieving security and stability in the region. All States Party to the NPT had the right to use nuclear energy in various peaceful applications. No additional restrictions should be placed on developing States, and double standards must be avoided.

75. Mr GASHUT (Libyan Arab Jamahiriya)* noted that the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran and all nuclear material remained under Agency containment and surveillance. Libya welcomed the cooperation shown by Iran in that regard, and it urged Iran to work more closely with the Agency to help clarify the nature and scope of its nuclear programme and resolve the outstanding issues on the basis of its safeguards agreement. He underlined Iran's right to use nuclear energy for peaceful purposes.

76. Libya called on the international community and international organizations to deal with the nuclear programmes of all States on an equal footing and to exert pressure on Israel to adhere to the NPT and related instruments and to place its nuclear installations under international supervision and monitoring.

77. Libya stressed the need to find a peaceful solution to the Iranian nuclear issue through negotiations.

78. Mr SOLTANIEH (Islamic Republic of Iran)* said that the international community was prevented from having a clear picture of what was taking place in the Board since the news media were not allowed to be present at its meetings on the pretext that the deliberations were confidential. However, a number of Western countries had not hesitated to make certain information public when it had suited their campaigns against certain States.

79. At a time when the future of the Agency was under discussion he noted that, in the past, the technical cooperation pillar under Articles II and III of the Statute had been overshadowed by its safeguards activities. The repeated call by developing countries for assured and predictable financing of technical cooperation activities had been completely ignored. Safeguards related activities had violated the national security of Member States and had led in some cases to intrusive inspections.

80. Over the past six years, hastily drafted and incomplete technical information reported on the implementation of safeguards in Iran at each session of the Board before the completion of the investigation by the Department of Safeguards had led to serious ambiguities, misinterpretations and political disputes among Member States and in the media. The Director General must ensure that the Department of Safeguards did not succumb to political pressure when preparing its reports.

81. The Agency must make a clear distinction in its reports between legal obligations under safeguards and voluntary measures, such as the additional protocol. The February 2009 report prepared by the Department of Safeguards had caused misunderstandings in that regard that would have adverse consequences for long-term cooperation between the Islamic Republic of Iran and the Agency. It was worth recalling that operative paragraph 26 of resolution GC(52)/RES/13 requested the Director General and the Secretariat to continue to provide objective technically and factually based reports to the Board of Governors and the General Conference on the implementation of safeguards with appropriate reference to relevant provisions of safeguards agreements. In many cases over the past six years that expectation had not been fulfilled and, in a spirit of cooperation, his Government

had responded to requests, although they had lacked any relevance to legal provisions under safeguards.

82. Professionalism and impartiality dictated that the Secretariat must provide a balanced factual report reflecting the views of the Secretariat and the inspected State. Unfortunately, that had not been done; while the Director General's latest report included the Agency's unjustified requests, it made no mention of Iran's views on the issues in question. The Department of Safeguards had omitted a number of the positive factual elements that had been noted in previous reports. All the shortcomings and concerns regarding the report had been listed in his letter to the Director General of 2 March 2009. At the same time, he expressed appreciation that the Director General had repeatedly declared that the Agency had found no evidence of diversion of nuclear material or activities to any military purpose. It was scandalous that, in their statements, the Western countries which had politicized the Agency had never reflected the many positive elements in the Director General's reports. Also, it was regrettable that the current report, unlike previous reports, had made no reference to Iran's cooperation with the Agency in providing access to nuclear material and nuclear material accountancy reports.

83. Highly confidential information provided by Iran to the Agency inspectors had been leaked by unknown sources in the Agency, posing a threat to Iran's national security. The public release of detailed confidential information on nuclear activities, including enrichment, which had been gathered during the inspections, undermined trust among Member States and between Member States and the Secretariat and would have serious consequences. In that connection, he drew attention to preambular paragraph (t) of resolution GC(52)/RES/13, which stressed the importance of maintaining and observing the principle of confidentiality regarding all information related to the implementation of safeguards in accordance with the IAEA Statute and safeguards agreements. Iran and all other non-nuclear-weapon Member States expected the Agency to provide regular reports on the implementation of Article III.B.1, of its Statute, namely the establishment of safeguarded worldwide disarmament in the same way as it reported on safeguards implementation in the context of non-proliferation.

84. The Iranian nuclear issue had been illegally referred to the Security Council and must be returned to the Agency. Security Council resolutions 1696, 1737, 1747, 1803 and 1835 had no legal basis and were contrary to international law. Iran would not comply with any request by the Agency based on those resolutions, including for suspension of enrichment activities and of the construction of a heavy water reactor, because they were illegal and in violation of the Statute. The interference by other bodies in the Agency's internal affairs jeopardized the Agency's credibility as an independent technical organization.

85. Likewise, any request for Iran to ratify or implement the additional protocol, which was a non-legally binding instrument, contravened international law. A number of countries had referred the Iranian nuclear issue to the Security Council despite the fact that Iran had voluntarily implemented the additional protocol for more than two and a half years. The Government of Iran had decided to implement the modified code 3.1 of its Subsidiary Arrangement in 2003 as a voluntary cooperative gesture but had ceased implementation after further resolutions had been adopted and sanctions imposed by the Security Council.

86. The illegal involvement of the Security Council in technical issues which were strictly a matter for the Agency had complicated the situation and had undermined trust and confidence between Member States and the Secretariat. Sanctions had not only failed to prevent nuclear enrichment but had united the Iranian people and its Government in their determination to defend their national interests and to engage in the country's inalienable right to use nuclear energy for peaceful purposes.

87. The Iranian nuclear issue was not a technical but a political stalemate created by a handful of States with a political agenda. The only practical step to break that stalemate would be for the Director General to announce that, in accordance with the last paragraph of the work plan agreed between Iran and the Agency, contained in document INFCIRC/711, the implementation of safeguards in Iran must be conducted in a routine manner. In the ensuing normal environment, Iran would continue its full cooperation in removing any ambiguities, in accordance with its legal obligations.

88. Unbalanced statements and the language of threat as used by certain countries would lead only to a deterioration of the situation. The Islamic Republic of Iran was an advanced country which had mastered enrichment technology and at the same time was a responsible State fully committed to its legal obligations. It would never yield to intimidation.

89. Over the past six years, Iran had been unfairly treated by the Board because its views had not been reflected in the Chairperson's summing up. It would be appreciated if the main elements of his statement were reproduced in the Chairperson's summing up.

90. He encouraged Board members to read the Director General's reports of 2002 and thereafter. Initially, the Board had concluded that cooperation by Iran and its implementation of the additional protocol would be a credible assurance that Iran's nuclear activities were for peaceful purposes only. Subsequent reports and resolutions, however, had stated that implementation of the additional protocol was not sufficient, and calls had been made for transparency. What did "transparency" mean? Iran should not be asked to do the impossible. It would not yield to demands to suspend enrichment, although it might consider requests to that end.

91. In response to the representative of France, he underlined that Iran had not violated any of its legal obligations.

92. The CHAIRPERSON said that she would make every effort to incorporate the elements of Iran's statement in the summing up.

93. Mr RAUTENBACH (Director, Office of Legal Affairs), replying to the questions asked as to how the Secretariat qualified in legal terms Iran's consistent refusal to grant access to the IR-40 research reactor, its non-implementation of the modified Code 3.1, and its refusal to provide design information since December 2007 for the nuclear power plant to be built at Darkhovin, said that in considering the legal implications for Iran's obligations under its safeguards agreement, there were essentially two issues that should be addressed. The first issue was its non-implementation of the modified text of Code 3.1. of the Subsidiary Arrangements General Part, to which it had agreed in February 2003, by its failure to provide updated design information for the IR-40 at Arak, and its lack of formal declaration of, and submission of design information for, the facility publicly announced by Iran as planned for construction at Darkhovin. The second issue was its continued denial of access by the Agency to carry out design information verification at IR-40.

94. The operative Treaty obligation to provide information was set out in Article 8, to be read with Article 42 of Iran's safeguards agreement. The latter required that design information "be provided as early as possible before nuclear material is introduced into a new facility." In its letter dated 26 February 2003, Iran had agreed to the modified Code 3.1, which provided that preliminary design information for new facilities was to be provided "as soon as the decision to construct or to authorize construction has been taken, whichever is earlier". In its letter dated 29 March 2007, Iran had indicated that it intended to revert to providing design information in accordance with the old version of Code 3.1, which had required design information to be provided not later than 180 days before the introduction of nuclear material into a facility.

95. As the Director General had stated in his report to the Board in May 2007 (GOV/2007/22, paras 12-14), the implementation of the provisions of Subsidiary Arrangements could only be amended or suspended with the agreement of both parties to them (see also the Director General's letter to Iran dated 30 March 2007, published in GOV/INF/2007/8). The provisions could not be amended or suspended unilaterally by the State. Thus, Iran's failure to provide design information in accordance with the modified Code 3.1 as it had agreed to in 2003 was inconsistent with Iran's obligations under the Subsidiary Arrangements to its safeguards agreement.

96. Regarding the planned power plant at Darkhovin, Iranian officials had publicly announced that the Government had decided to construct a power plant at that location. Again, contrary to its obligation under the modified Code 3.1 to provide preliminary design information for the new facility "as soon as the decision to construct or to authorize construction has been taken, whichever was earlier", Iran had not done so. That, too, was inconsistent with Iran's obligations under the Subsidiary Arrangements to its safeguards agreement.

97. While Iran's actions were inconsistent with its obligations under the Subsidiary Arrangements to its safeguards agreement, that should be seen in the proper context. Given the fact that Article 42 was broadly phrased and that the old version of Code 3.1 had been accepted as complying with the requirements of that Article for some 22 years prior to the Board's decision in 1992 to modify it, it was difficult to conclude that providing information in accordance with the earlier formulation in itself constituted non-compliance with, or a breach of, the safeguards agreement as such. More than 60 States with operative SQPs based on the old standard text, and 27 States party to the NPT but without a comprehensive safeguards agreement in force, were not yet bound by provisions similar to that in the modified Code 3.1.

98. In its letter dated 13 April 2007, Iran, referring to its decision to revert to the old version of Code 3.1, stated that, as a consequence of that decision, the scheduling of a design information verification for a facility which was in its preliminary construction stage was not justified. That had been reported to the Board by the Director General in November 2008 (GOV/2008/59, para. 9). As had been stated in that report, Code 3.1 related to the timing of the submission by the State of design information to the Agency, and not to the frequency or timing of the Agency's verification of such information. Article 48 of Iran's safeguards agreement provided for the verification of design information. Design information verification was a continuing process, implemented at all facilities under safeguards, and was not dependent on the stage of construction of, or the presence of nuclear material at, a facility. The Agency had, therefore, pursuant to Article 48 of Iran's safeguards agreement, a continuous right to verify the design information which had already been provided to it by Iran regarding the IR-40 reactor. Normally, the frequency of design information verification depended on safeguards requirements. In the case of the IR-40, it also provided an opportunity for the Agency to report, as requested by the Board and the Security Council, on the compliance or otherwise, by Iran with their decisions that it should suspend heavy water and reprocessing related activities.

99. Iran's refusal to grant the Agency access to carry out design information verification was inconsistent with its obligations under its safeguards agreement. Although the construction of the IR-40 reactor was still some years away from completion, that refusal to grant access impeded the Agency's rights under the safeguards agreement and adversely impacted the Agency's ability to ensure that no diversion pathways were built into the facility. It also adversely impacted the effective and efficient implementation of verification activities once the construction of the reactor, with large hot cells suitable for reprocessing activities, was completed.

100. The Agency's Statute did not require that Member States accept the application of safeguards as a condition of membership. The Agency's authority to implement safeguards in a particular State was executed by separate arrangements, normally through the conclusion of safeguards agreements on the

basis of Article III.A.5 of the Statute, which authorized the Agency to apply safeguards, inter alia, “at the request of the parties, to any bilateral or multilateral arrangement”.

101. Article 19 of Iran’s safeguards agreement provided that “If the Board, upon examination of relevant information reported to it by the Director General, finds that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded under this Agreement, to nuclear weapons or other nuclear explosive devices, it may make the reports provided for in paragraph C of Article XII of the Statute...” [emphasis added]. It was thus for the Board to consider and determine if any action by a State that was inconsistent with its safeguards agreement rose to a level where the Agency could not verify that there was no diversion, in which case the Board had the option to take the actions set out in Article XII.C of the Statute, for example report the matter to the Security Council and General Assembly. The term “non-compliance” as used in the Statute had, in respect of safeguards agreements, no defined meaning other than its generic meaning and did not function as a trigger for any obligatory action by the Board. The Board’s response might vary to fit the circumstances. The Board had acted accordingly in the past. In deciding on what that response might be, Article 19 of Iran’s safeguards agreement required that the Board take account of the degree of assurance provided by the safeguards measures that had been applied and afford Iran every reasonable opportunity to furnish it with any necessary reassurance.

102. Mr SCHULTE (United States of America) said that his country’s views had already been put forward as part of the statement delivered by France on behalf of the six countries, a strong statement demonstrating unprecedented unity. He wished, however, to pursue the question posed by the Ambassador of France about Iran’s refusal to implement Code 3.1. The Director of the Office of Legal Affairs had indicated that Iran’s actions were inconsistent with its safeguards obligations. In June 2007, he himself had stated his Government’s view that Iran’s denial of inspections at Arak was an apparent breach of its safeguards agreement and that its refusal to provide early design information on any new nuclear facilities showed a clear willingness to commit future breaches. Moreover, the denial of access to Agency inspectors violated Security Council resolution 1737 (2006), which required Iran to cooperate fully with the Agency². The Director of the Office of Legal Affairs had spoken about SQPs, but he did not see why they were relevant to that particular case. Iran did not have small quantities of nuclear material; in fact, there was a danger that it had a significant quantity of nuclear material. He asked whether, aside from the Member States that had SQPs, there were any others with a comprehensive safeguards agreement that did not have or were refusing to implement their Code 3.1 obligations.

103. Mr RAUTENBACH (Director, Office of Legal Affairs) said he had referred to SQPs simply to indicate that a number of States other than Iran were not bound by the provision in the new version of Code 3.1 that the moment a decision was taken to construct, or authorization was given to construct, a facility, design information should be provided to the Agency. Such States included those that still had the older version of the SQP. The new version, which a large number of States had already implemented, provided that if a country decided to have a facility constructed, it should apply the new version of Code 3.1. All States other than Iran that had comprehensive safeguards agreements were implementing the new version of Code 3.1, with the exception, of course, of States that had not yet concluded such agreements.

104. Mr SOLTANIEH (Islamic Republic of Iran)* said the discussion showed that the real questions were whether construction work on the new nuclear facility was continuing and whether operation of the IR-40 reactor would be suspended. Neither was the case. However, in accordance with the old version of Code 3.1, Iran would certainly inform the Agency 180 days before nuclear material was

² See document GOV/OR.1187 paras 90–91.

introduced into the reactor, enabling it to produce radioisotopes for hospitals. Detailed design information had already been given to the Agency.

105. The CHAIRPERSON said she would sum up the discussion on the sub-item at a later stage.

(d) Implementation of the NPT safeguards agreement in the Syrian Arab Republic
(GOV/2009/9 and 2009/Note 9)

106. Ms GOICOCHEA ESTENOZ (Cuba), speaking on behalf of NAM, said that when considering the implementation of the NPT safeguards agreement in the Syrian Arab Republic, it was essential to take into account the way it had first been brought to the Agency's attention. As acknowledged in the Director General's report to the Board in November 2008 (GOV/2008/60), the Agency had been severely hampered in discharging its responsibilities under Syria's NPT safeguards agreement by the unilateral use of force by Israel and by the late provision of information by some Member States concerning the building at the Dair Alzour site. NAM's position on the issue was as included in the Final Declaration adopted 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."

107. Syria had reiterated its statement that the destroyed facility, and the current facility, were military installations, and that it had provided information in response to some of the questions raised by the Secretariat. NAM noted that that information was now being assessed by the Secretariat. The Secretariat should refrain from requesting Member States to provide information or to take measures that went beyond their safeguards obligations.

108. In view of the importance of observing confidentiality measures to protect sensitive information regarding Member States and their national security, she expressed NAM's serious concern about the recurring leaks of sensitive information to the media, even before the official reports of the Secretariat were circulated to Member States. Unless the Board decided otherwise, the Secretariat's reports to the Board, especially those related to safeguards, had a confidential character. Accordingly, the Secretariat could not inform the media or comment on any information contained in such reports. It was regrettable that the Secretariat's interaction with the media had led to an avoidable misunderstanding on the issue of graphite particles at the Dair Alzour site, an aspect that had not even been covered in the report in the first place. The Secretariat should take stricter measures to avoid such situations, which mitigated against a political environment conducive to the solution of those sensitive issues.

109. 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.

110. Mr POČUCH (Czech Republic)*, speaking on behalf of the European Union, the candidate countries Croatia and the Former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, and Montenegro, and Iceland and Norway, members of the European Economic Area, as well as Ukraine, the Republic of Moldova and Georgia, thanked the Director General for his report contained in document GOV/2009/9 and the Secretariat for its competent and impartial work in implementing verification activities in Syria. He also thanked the Deputy Director General for Safeguards for the technical briefing held on 24 February.

111. The European Union, while taking note of Syria's reiterated statements that the destroyed facility, and the current facility, on the Dair Alzour (Al Kibar) site were military installations, remained concerned as to the origin of anthropogenic uranium particles found at the site. According to the Agency's current assessment, the additional particles of anthropogenic uranium that had been revealed at the site, and those identified as a result of the previous analyses, were of a type not included in Syria's declared inventory of nuclear material. Furthermore, according to the Director General's report, the probability that they were introduced by the use of missiles was low.

112. The possibility that Syria had not declared all its nuclear installations raised questions regarding the completeness and correctness of Syria's declarations pursuant to its comprehensive safeguards agreement. It was the obligation of Agency Member States party to the NPT to declare all their nuclear facilities and, under the modified Code 3.1 of the Subsidiary Arrangements, to report to the Agency on the planning and construction of any nuclear facility before the decision on construction was taken.

113. The previous report by the Director General, contained in document GOV/2008/60, had stated that the features of the destroyed building, along with connectivity of the site to adequate pumping capacity of cooling water, were similar to what might be found in connection with a reactor site. The Agency's verification therefore should be continued with a view to reaching an early resolution.

114. The European Union regretted that Syria had not yet responded in a satisfactory manner to the Agency's requests and called for early clarification of the remaining questions. Syria must show the necessary transparency in order to allow the Agency to complete its assessment. It should provide access to all the locations requested by the Agency as well as additional information and supporting documentation about the past use and nature of the buildings at the Dair Alzour site requested by the Agency. It should also provide information about efforts by Syrian entities to procure materials and equipment which could support the construction and operation of a nuclear reactor, as well as additional access to other locations alleged to be related to the Dair Alzour site.

115. To give the Agency additional means of investigation and verification as well as to strengthen the confidence of the international community, Syria should sign and ratify as soon as possible the additional protocol, which was the tool whereby the Agency could verify the absence of undeclared nuclear material and activities. The European Union, which had always attached high importance to the universality of the additional protocol, continued to appeal to all other countries which had not yet done so to sign and ratify one without further delay.

116. While fulfilling its mandate and in order to give the international community the assurances it required, the Agency had to be able to implement all the investigations and inspections needed to verify and analyse the information available. Any obstacles, unnecessary delays or lack of cooperation on the part of Member States adversely affected the Agency's ability to execute its responsibilities under the NPT and undermined the credibility of its verification capabilities.

117. The European Union was convinced that, with Syria's assistance, it would be possible to clarify the remaining questions and shed more light on the nature of activities at the Dair Alzour site. He expressed the European Union's hope that the Director General's report for the June session of the Board of Governors would demonstrate clear progress in the matter.

118. Ms GERVAIS-VIDRICAIRE (Canada) commended the Secretariat for its professionalism and for the recent technical briefing outlining the Agency's verification activities and developments related to its ongoing inquiry into allegations regarding the Dair Alzour site in Syria.

119. Canada remained deeply concerned about revelations that pointed to possible undeclared nuclear material, facilities and activities in Syria and possible nuclear cooperation between Syria and

the DPRK. Those concerns had been reinforced rather than alleviated by the Agency's most recent report.

120. Analysis of the environmental samples had revealed additional particles of anthropogenic uranium of a type not included in Syria's declared inventory of nuclear material and the Agency's assessment was that there was a low probability that the uranium had been introduced by the use of uranium-based munitions. Those findings had not been satisfactorily addressed by Syria. Canada was also concerned about the findings, outlined in the Agency's November 2008 report, that the features of the building in question and its connectivity to adequate water pumping capacity were similar to what might be found in conjunction with a reactor site of the type alleged. The Agency had indicated that it had information that Syrian entities had procured materials and equipment which could support the construction and operation of a nuclear reactor. As noted during the technical briefing, all those findings were not inconsistent with the existence of a reactor at the Dair Alzour site. In Canada's view, they tended to confirm that such an undeclared facility did in fact exist, notwithstanding Syria's denials.

121. In view of those very worrisome findings and their serious implications for the integrity of Syria's safeguards obligations, Canada strongly supported the Director General's efforts to further investigate the situation. While recognizing the difficulties the Secretariat had faced in conducting the investigations in view of the physical circumstances found at the Dair Alzour site, Canada noted the serious proliferation threat that would be posed by an undeclared nuclear reactor of the kind that appeared to have existed at the site.

122. Transparency and cooperation were key to restoring confidence about the nature of Syria's nuclear programme. She urged Syria to cooperate fully with the Agency to resolve the matter. Syria should provide as soon as possible the additional information, supporting documents and access requested by the Secretariat to allow the Agency to complete its assessment. Such cooperation was essential and now overdue.

123. The Director General should continue to report on the results of the Agency's investigation into the matter, and the issue should remain on the agenda of the Board of Governors.

124. Given the ongoing and broad interest in the issue and the important principle of transparency, together with the concerns that had been raised about misinformation in the press, she requested that the report contained in document GOV/2009/9 be made public.

125. Mr FAWZY (Egypt) said that the manner in which the issue of the Syrian installation under investigation had been raised to the Agency was totally inadmissible. It showed serious malfunction in the way in which some States dealt with the Agency's safeguards regime, and their respect for international law and the United Nations Charter.

126. Egypt welcomed Syria's cooperation to date with the Secretariat and called on it to cooperate further within the framework of its obligations in accordance with its comprehensive safeguards agreement.

127. In view of the complexities caused by Israel's destruction of the site, which had limited the Agency's verification capability, verifying the nature of the Syrian installation was a special case.

128. The Agency had been required to resort too much to speculation and assumptions because of the way in which the whole issue had been brought up. Egypt warned against the Agency's continuing to rely on that approach. The Secretariat's excessive reliance on external help and unverifiable information, on the one hand, and its increasing demands on Member States to go beyond their legal obligations vis-à-vis the Agency, on the other, might result in strained relations between the Secretariat and Member States. All Member States had to address the situation with a view to

preserving the credibility of the Agency's safeguards regime. The Secretariat's reports should not contain information that was unverifiable and not credible.

129. Lastly, the Agency should tackle the issue from the technical point of view, leaving aside any politicization that would undermine its credibility. His delegation saw no need for the publication of confidential reports, which would constitute a breach of the rules and pre-empt the efforts to be made by the Agency. At the same time, the States concerned should be consulted when any decision was taken as that would help them to continue to cooperate with the Agency in the future.

The meeting rose at 1 p.m.