

IAEA Board of Governors

Record of the 1240th Meeting
GOV/OR.1240

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

Board of Governors

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Record of the 1240th Meeting

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¹ GOV/2009/42.

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 AINI		Afghanistan
Mr GALANXHI		Albania
Mr KHELIFI		Algeria
Ms DONNA RABALLO		Argentina
Mr SHANNON		Australia
Mr VALLIM GUERREIRO		Brazil
Mr SOULAMA		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 LÜDEKING		Germany
Ms AMOAH		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 FERUTĂ		Romania
Mr BERDENNIKOV		Russian Federation
Mr AL-TAIFI		Saudi Arabia
Mr GUMBI		South Africa
Mr DE GUZMÁN MATAIX		Spain
Mr MARFURT		Switzerland
Mr ÇELIK		Turkey
Mr SMITH		United Kingdom of Great Britain and Northern Ireland
Mr PYATT		United States of America
Mr BARROS OREIRO	}	Uruguay
Mr LUONGO CÉSPEDES		

Attendance (continued)

Mr ELBARADEI
Mr HEINONEN

Director General
Deputy Director General, Department
of Safeguards
Secretary of the Board

Mr ANING

Representatives of the following Member States also attended the meeting:

Austria, Azerbaijan, Belarus, Belgium, Bolivia, Bulgaria, Croatia, Czech Republic, Denmark, Dominican Republic, Ethiopia, Greece, Holy See, Hungary, Indonesia, Islamic Republic of Iran, Israel, Italy, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malta, Mongolia, Montenegro, Morocco, Netherlands, Norway, Pakistan, Peru, Poland, Portugal, Qatar, Senegal, Singapore, Slovakia, Slovenia, Sudan, Sweden, Syrian Arab Republic, Thailand, Tunisia, Ukraine, United Arab Emirates, Bolivarian Republic of Venezuela, Vietnam, Yemen and Zimbabwe.

Abbreviations used in this record:

ASEAN	Association of Southeast Asian Nations
CTBT	Comprehensive Nuclear-Test-Ban Treaty
DPRK	Democratic People's Republic of Korea
EFTA	European Free Trade Association
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
R&D	research and development

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

5. Nuclear verification (continued)

(c) Staff of the Department of Safeguards to be used as Agency inspectors (GOV/2009/34 and Add.1, Note to Governors of 9 June 2009)

1. The CHAIRPERSON drew attention to documents GOV/2009/34 and Add.1 which contained proposals by the Secretariat regarding the staff of the Department of Safeguards to be used as inspectors. The curricula vitae of the staff members in question had been circulated to all Board members by the Secretariat under cover of a letter dated 13 May 2009. An updated summary, by nationality, of the staff of the Department of Safeguards to be used as inspectors had also been circulated by the Secretariat under cover of a Note to Governors dated 9 June 2009.
2. She took it that the Board wished to take the action recommended in document GOV/2009/34 and authorize the Director General to use the professional staff members referred to in paragraphs 1 and 2 of the document, plus the professional staff member listed in document GOV/2009/34/Add.1, as Agency inspectors.
3. It was so decided.

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

4. The CHAIRPERSON recalled that, in his introductory statement, the Director General had described the current status of the Agency's safeguards activities in the DPRK.
5. Mr TANG Guoqiang (China) said that, on 25 May, the DPRK had conducted another nuclear test in disregard of the universal opposition of the international community, an act which violated Security Council resolutions, impaired the effectiveness of the nuclear non-proliferation regime and was prejudicial to peace and stability in north-east Asia. Security Council resolution 1874 (2009), which had been adopted unanimously, demonstrated the firm opposition of the international community to the DPRK's nuclear test and its determination to resolve the DPRK nuclear issue peacefully through dialogue and negotiation.
6. China held the view that the sovereignty, territorial integrity and legitimate security concerns and development interests of the DPRK as a sovereign country and Member State of the United Nations must be respected. Upon its return to the NPT, the DPRK would enjoy the right to the peaceful uses of nuclear energy. The problems on the Korean Peninsula could only be resolved through political and diplomatic means.
7. China had always been committed to upholding the international nuclear non-proliferation regime, promoting denuclearization of the Korean Peninsula and maintaining peace and stability in north-east Asia, and it had consistently favoured a peaceful political and diplomatic settlement of the nuclear issue on the Korean Peninsula. It had made enormous efforts to that end and had pushed for the six parties to arrive at the Joint Statement of September 2005 and other important common understandings. China urged the DPRK to honour its commitment to denuclearization, refrain from action that might further worsen the situation and return to the six-party talks. It called on the parties concerned to set their sights on the long term, remain calm and exercise restraint, refrain from any action which might aggravate the situation and persist in seeking a peaceful solution through consultation and dialogue, because that served the common interests of all parties.

8. China would continue to act in a responsible and constructive manner and make joint efforts with the parties concerned and the international community to see to it that the situation moved towards a relaxation of tensions and that the six-party talks were resumed soon. It would play an active part in achieving denuclearization of the Korean Peninsula and maintaining peace, stability and development on the Peninsula and in north-east Asia.

9. Mr POČUCH (Czech Republic)*, speaking on behalf of the European Union, the candidate countries Turkey, Croatia and the Former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine, the Republic of Moldova, Armenia, Azerbaijan and Georgia, said that the European Union strongly condemned the test of a nuclear explosive device proclaimed by the DPRK on 25 May 2009, which was a breach of United Nations Security Council resolution 1718 (2006) and its NPT obligations. The European Union considered such a test to be unacceptable, and it fully supported the statement issued by the United Nations Secretary-General on 25 May in which he had deplored the nuclear test and had asked Security Council to send a strong and unified message requesting the DPRK to refrain from taking any further action that would increase tension in the region. The European Union also supported Security Council resolution 1874 (2009) adopted in response to the DPRK's provocative act.

10. Defying Security Council resolutions and statements and the calls of the international community, the test profoundly jeopardized regional stability and posed a severe threat to international peace and security. It was also a flagrant breach of the 1992 Joint Declaration on the Denuclearization of the Korean Peninsula.

11. The European Union was deeply concerned by the latest missile launches by the DPRK, as well as its proliferation activities in the missile and nuclear fields. It called on the DPRK to comply with Security Council resolutions 1695 (2006), 1718 and 1874 and to refrain from any further proliferation-related activities.

12. The European Union attached great importance to the denuclearization of the Korean Peninsula and had fully supported the efforts of the six-party talks aimed at the complete, irreversible and verifiable disablement and dismantlement of all nuclear weapons and existing nuclear programmes in the DPRK. It strongly urged the DPRK to renounce nuclear weapons, to return to the six-party talks immediately and without preconditions, and to work towards implementation of the Joint Statement of September 2005. It expressed its grave concern over the decision by the DPRK to withdraw from the six-party talks and to cease all cooperation with the Agency by requesting the organization's personnel to remove all Agency containment and surveillance equipment from the Yongbyon nuclear facilities, and by requiring that the inspectors leave the DPRK. That decision ran counter to Security Council resolution 1718 and the efforts of the international community to secure peace and stability on a future nuclear-free Korean Peninsula through the six-party talks.

13. The European Union urged the Government of the DPRK to reverse its decision to expel Agency inspectors and restart the nuclear facilities which had been disabled, to maintain its cooperation with the Agency, to allow an early resumption of the six-party talks demanded by the Security Council's Presidential Statement and resolution 1874, and to take steps to facilitate lasting stability and the denuclearization of the Korean Peninsula. It also called on the DPRK to return to compliance with the NPT and Agency safeguards.

14. The Agency had a central role to play in the verification of the nuclear programme in the DPRK, including its past activities. The prerequisite for such verification remained a complete and

correct declaration of nuclear material and facilities by the DPRK. The European Union urged the DPRK to provide that declaration to the Agency promptly and allow for its verification.

15. The disablement and dismantlement of the nuclear weapons programme and related installations in the DPRK, the implementation of relevant Security Council resolutions and the abandonment of nuclear and ballistic weapon activities and proliferation were mandatory and constituted indispensable steps towards maintaining stability and peace in the region.

16. Mr NAKANE (Japan) said that his Government appreciated the significant contributions of the Agency to the implementation of the six-party talks agreement through its monitoring and verification of the shutdown of the Yongbyon nuclear facilities.

17. Japan condemned in the strongest terms the nuclear test conducted by the DPRK on 25 May. The test constituted a grave threat to Japan's security and seriously undermined regional and international peace and security. It also posed a serious challenge to the nuclear non-proliferation regime.

18. The DPRK had conducted the nuclear test, ignoring the calls from the international community not to do so and violating the relevant Security Council resolutions, including resolutions 1695 (2006) and 1718 (2006) and the Security Council Presidential Statement of 13 April 2009. That was totally unacceptable.

19. The Security Council had adopted resolution 1874 (2009) on 12 June, condemning the nuclear test by the DPRK in the strongest terms and setting out the measures to be taken by the DPRK and other countries. Japan strongly urged the DPRK to take seriously the firm message from the international community and to implement fully and sincerely all the measures of the relevant resolutions and the Presidential Statement of the Security Council.

20. In April, the DPRK had announced that Agency inspectors should leave Yongbyon, that all cooperation with the Agency should cease, that it would no longer participate in the six-party talks and that it would restart the reprocessing of spent fuel. In response to Security Council resolution 1874, the DPRK had declared that it would weaponize all the plutonium that it reprocessed and that it would undertake uranium enrichment activities. Japan protested against those provocative statements and strongly urged the DPRK to return to the six-party talks without delay and to make progress towards the complete implementation of the measures and provisions of the Joint Statement of September 2005.

21. The DPRK should comply fully with Security Council resolutions 1718 and 1874 and act strictly in accordance with its obligations under the NPT and the terms and conditions of its Agency safeguards agreement. It was equally important for the DPRK to provide the Agency with transparency measures, including access to individuals, documentation, equipment and facilities, as might be required and deemed necessary by the IAEA.

22. Japan strongly hoped that the Agency would again play an essential role in the DPRK's nuclear abandonment process, including verification activities. His country had been actively supporting the Agency and would continue to do so, working closely with other partners so that the organization could resume its activities in the DPRK and play its important role in full by making utmost use of its knowledge and experience.

23. Ms GERVAIS-VIDRICAIRE (Canada) said that, like other countries, Canada condemned the nuclear test carried out by the DPRK on 25 May. The Prime Minister of Canada had termed it an irresponsible and provocative act. It posed a grave threat to regional and international security and was highly prejudicial to the nuclear disarmament and non-proliferation regime. Canada firmly endorsed the action taken by the United Nations Security Council in response to the DPRK's actions which had

serious repercussions for the denuclearization of the Korean peninsula. It welcomed the adoption on 12 June of Security Council resolution 1874 (2009), which was a firm and unified response to the DPRK's recent unacceptable acts. Canada urged the DPRK to comply with all its obligations as set out in Security Council resolutions 1718 (2006) and 1874.

24. Given the security issues in the region, Canada continued to favour a negotiated multilateral solution. The six-party talks had a crucial role to play in that regard and, in keeping with Security Council resolution 1718, her country called on the DPRK to resume that useful dialogue without delay, to comply with all the commitments it had entered into under the Joint Statement of September 2005 and to honour the agreement of October 2007 on second-phase actions. Canada urged the DPRK to continue to leave its nuclear facilities shut down instead of restarting them. It called on the DPRK to cooperate with the Agency without delay and to authorize access by Agency personnel to the country's facilities for monitoring and verification purposes. It fully endorsed the call by the Security Council for the DPRK to return immediately to the NPT and to apply Agency safeguards.

25. Ms DONNA RABALLO (Argentina) said that her Government had issued an official statement condemning the DPRK's recent nuclear test in the most energetic terms. Disregarding calls by the international community, the DPRK had launched ballistic missiles and had now conducted new nuclear tests. Argentina urged the DPRK to return to dialogue and negotiations. As part of its policy of respect for multilateralism, Argentina had joined the United Nations Security Council in calling on the DPRK to accede to the NPT. Efforts should continue with a view to reaching a comprehensive diplomatic solution to the issue.

26. Mr BERDENNIKOV (Russian Federation) noted the important role that the Agency had played until recently in putting into effect the agreements reached in the course of the six-party talks. His country regretted that those functions had been discontinued at the demand of the DPRK. It shared the Director General's concern relating to the underground nuclear test conducted by the DPRK in violation of the resolutions of the United Nations Security Council. That test was a serious blow to international efforts to strengthen the non-proliferation regime. The resolution adopted by the Security Council on 12 June, which Russian had supported, had been a balanced and appropriate reaction to the situation. In the Foreign Ministry statement of 12 June, the Russian Federation had called on the DPRK to listen to the will of the international community expressed in that resolution, to renounce nuclear weapons and all military nuclear missile programmes, to return to the NPT, the CTBT and the Agency safeguards regime and to resume participation in the six-party talks with a view to arriving at a mutually acceptable political and diplomatic settlement of the dispute. It was to be hoped that all parties would refrain from taking actions that might exacerbate the situation.

27. Attempts to build a nuclear missile potential would not make the DPRK more secure; on the contrary, by heightening tensions in north-east Asia, they would jeopardize the security of countries in the region and of the DPRK itself. As an alternative to that very negative scenario, the Russian Federation was prepared to work with partners in the six-party talks process to establish a mechanism for peace and security in north-east Asia, within the framework of which appropriate assurances would be provided to all parties by political and diplomatic means.

28. Mr PYATT (United States of America) said that, since the March meetings of the Board, the DPRK had taken a number of provocative actions that threatened international peace and security, undermined the international non-proliferation regime and deepened the DPRK's isolation from the international community. The DPRK's test on 5 April of a Taepodong-2 missile and its nuclear test on 25 May were serious and unacceptable acts that violated United Nations Security Council resolution 1718 (2006). The United States also condemned the DPRK's decision to expel Agency monitors and United States observers from its Yongbyon nuclear facility in mid-April.

29. In response to those provocative acts, on 12 June the Security Council had unanimously adopted resolution 1874 (2009), which had sent a clear message that the DPRK's continuing provocative behaviour was unacceptable, that its violation of a binding Security Council resolution had serious consequences and that the international community was determined to deliver a strong and unified response. Security Council resolution 1874 demanded that the DPRK not conduct any additional nuclear tests or launches using ballistic missile technology. It also required the DPRK to abandon all nuclear weapons and existing nuclear programmes and to act in accordance with the obligations of parties to the NPT and Agency safeguards agreements, and it called upon the DPRK to return to the six-party talks without preconditions. The new measures under that resolution included a total ban on arms exports and a major expansion of the ban on arms imports, new financial measures designed to limit the ability of the DPRK to fund activities related to weapons of mass destruction and ballistic missiles, and enhanced inspection provisions for suspected transfers of proscribed cargo.

30. The United States called on the DPRK to return without conditions to a process of peaceful dialogue and to honour its previous commitments to denuclearize the Korean Peninsula as required by the new resolution.

31. On 13 June, the DPRK Foreign Ministry had responded to the adoption of Security Council resolution 1874 by announcing that plutonium extracted from the spent fuel that was reportedly being reprocessed at the Yongbyon nuclear facility would be weaponized. Such actions would violate the clear decision in Security Council resolution 1874 that the DPRK must abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner and immediately cease all related activities. It would also violate the decision that the DPRK must act strictly in accordance with the obligations applicable to NPT parties and the terms and conditions of its Agency safeguards agreement, and the decision that it must provide to the Agency transparency measures extending beyond those requirements. The Foreign Ministry had also announced that the DPRK would begin uranium enrichment work to produce nuclear fuel for a light-water reactor that it would build itself, an action that would further violate Security Council resolution 1874.

32. As a result of the DPRK's actions, the international community had reached an important moment for the security of north-east Asia. In the interests of international peace and security and the global non-proliferation regime, it was to be hoped that the DPRK would choose the path of diplomacy rather than confrontation. The United States remained open to dialogue but had also made it clear that the DPRK would not find international acceptance unless it abandoned its pursuit of weapons of mass destruction and their means of delivery.

33. His country was consulting with its allies and partners in Asia, especially those that had striven in recent years through the six-party talks to bring about a denuclearized DPRK. President Obama and Secretary Clinton had been working closely with leaders in China, Russia, Japan and the Republic of Korea, as well as with members of the Security Council, to emphasize the importance of the international community conveying a strong, unified response to Pyongyang.

34. The United States felt strongly that the Agency should play an important role in the DPRK's denuclearization, including in verification and dismantlement activities. That was in the best interests of all parties, including the DPRK.

35. Finally, the United States was committed to the September 2005 Joint Statement, the core goal of which was the verifiable denuclearization of the Korean Peninsula through peaceful means. It was in the DPRK's own best interests to return to serious negotiations to pursue that goal. The United States' position remained unchanged: it would not accept the DPRK as a nuclear-weapon State.

36. Ms MACMILLAN (New Zealand) said that her country shared the Director General's concern over the developments in the DPRK. New Zealand regretted that the DPRK had not re-engaged with

the Agency following its announcement on 14 April that it was ceasing cooperation with the IAEA and would be reactivating all its facilities and proceeding with the reprocessing of spent fuel. The removal of all Agency containment and surveillance equipment from the Yongbyon facilities on 15 April and the departure of Agency inspectors from the DPRK on 16 April were significant steps backward.

37. New Zealand had joined many other countries in condemning the DPRK's second nuclear test on 25 May 2009 as a provocative and destabilizing act that had undermined the positive momentum on nuclear disarmament and non-proliferation witnessed in recent months. Her country had previously registered its disappointment at the DPRK's actions to develop its nuclear programme, including through its ongoing support for measures adopted by the Security Council in response to events in the DPRK. She urged the DPRK to reopen the dialogue through the six-party talks with the aim of denuclearizing the Korean Peninsula. New Zealand looked forward to the DPRK returning to full compliance with its international obligations, and to Agency safeguards and the NPT.

38. Ms LACANLALE (Philippines) expressed grave concern over the nuclear test and missile launches conducted by the DPRK in May 2009 and the subsequent escalation of tensions on the Korean Peninsula. The Philippines condemned such acts as serious threats to peace and stability in the region and to international non-proliferation norms, and as a clear violation of commitments within the six-party talks framework and of relevant United Nations Security Council resolutions. The Philippines was also concerned over the earlier decision of the DPRK to cease all cooperation with the Agency and to proceed with the reactivation of all its nuclear facilities and the reprocessing of spent fuel. The DPRK's actions clearly had an adverse effect on the positive momentum recently achieved in the field of disarmament and on non-proliferation efforts.

39. In view of its proximity to the Korean Peninsula, the Philippines was seriously concerned about the situation and hoped it would not deteriorate further. It strongly urged the DPRK not to conduct any further nuclear test in order to reduce security tensions and ensure peace and stability in the Asia and Pacific region. The Philippines had consistently advocated a peaceful and just solution to the denuclearization of the Korean Peninsula and affirmed that dialogue and cooperation were essential for peace, security and stability in the region. It continued to stress the critical role of the six-party talks in achieving a peaceful and comprehensive resolution of the issue and called on the DPRK to return immediately to the talks and to resume negotiations as soon as possible. It called on States participating in the six-party talks that had close relations with the DPRK to intervene and convince it to take a less intransigent and provocative stance. Through its active participation in regional forums such as ASEAN, the Philippines remained committed to contributing to the continuing process of dialogue and cooperation and to creating an environment of trust and confidence conducive to the six-party talks. It further urged the DPRK to return to the NPT and looked forward to the Agency resuming implementation of the DPRK's comprehensive safeguards agreement.

40. Mr SHANNON (Australia) said that his country strongly condemned the DPRK's nuclear test of 25 May 2009, considering it an unacceptable, provocative and destabilizing act. It was a clear breach of United Nations Security Council resolution 1718 (2006) and was in flagrant disregard of the DPRK's international obligations. Australia welcomed the unanimous agreement of the Security Council, in its resolution 1874 (2009), to impose new sanctions, and its decision that the DPRK must abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner and act in accordance with its obligations under the NPT and the terms and conditions of its Agency safeguards agreement. The resolution sent a clear and united signal from the international community that the DPRK's actions were unacceptable and constituted a threat to international peace and security. Australia urged the DPRK to recommit to and implement the commitments it had already made to denuclearization through the six-party talks. His country was

committed to supporting the six-party talks and to working closely with the six parties and the Agency to achieve a lasting resolution of the DPRK nuclear issue.

41. Mr LUONGO CÉSPEDES (Uruguay) expressed his country's energetic condemnation of the DPRK's recent actions: the nuclear test and the launching of ballistic missiles constituted a grave violation of United Nations Security Council resolution 1718 (2006) and were a threat to international peace and security on the Korean Peninsula and throughout the world.

42. Mr MARFURT (Switzerland) said his country had condemned the DPRK's nuclear test of 25 May, which violated United Nations Security Council resolutions, posed a threat to peace and security in the region and ran counter to the nuclear non-proliferation efforts of the international community. It was all the more deplorable in the light of current efforts to revive disarmament, as illustrated by the acceptance on 29 May by the Conference on Disarmament of a work programme which should allow negotiations on a fissile-material cut-off treaty to begin. Switzerland welcomed Security Council resolution 1874 (2009) adopted on 12 June. It was convinced that a solution to the DPRK nuclear issue could only be found through a diplomatic negotiation process, and it therefore supported the six-party talks. It called once again on the DPRK to rejoin the NPT and implement its safeguards agreement with the Agency.

43. Ms GOICOCHEA ESTENOZ (Cuba) said her country shared the concern expressed by other delegations regarding the DPRK's nuclear test, which had highlighted the need to work even harder to achieve the total elimination of nuclear weapons. Cuba wanted a denuclearized Korean Peninsula and it firmly believed that peaceful diplomacy and dialogue should continue with a view to finding a long-term solution to the problem. Her country reaffirmed its position of principle regarding nuclear disarmament and stressed its concern at the threat to humanity posed by the existence of nuclear weapons and their possible or threatened use. It was deeply concerned at the slow progress towards nuclear disarmament and the lack of progress by the nuclear-weapon States in totally eliminating their nuclear arsenals. She appealed to all nuclear-weapon States to fulfil immediately the obligations imposed by Article VI of the NPT and to accelerate implementation of the results achieved at the 1995 and 2000 NPT Review Conferences, in particular the thirteen steps agreed upon at the 2000 Conference.

44. Mr GUMBI (South Africa) echoed the concern of others regarding the DPRK's announcement that it would not be returning to the six-party talks, the discontinuation of the disablement process and the termination of Agency monitoring and verification. The DPRK's recent nuclear test was unacceptable. The possession of nuclear weapons did not create security; rather, it diminished it and constituted a threat to all humanity. South Africa called on the DPRK to terminate all nuclear weapons programmes fully and verifiably, to return to the NPT, to sign and ratify the CTBT and to place all its nuclear facilities and material under comprehensive Agency safeguards. It further urged the DPRK to comply without delay with the legally binding requirements of United Nations Security Council resolution 1874 (2009). Finally, it urged all parties involved to avoid any actions that could exacerbate the volatile situation in the region, and looked forward to the early resumption of the Agency's verification mandate in the DPRK.

45. Mr SHIM Yoon-Joe (Republic of Korea)* noted with serious concern that the DPRK had decided to cease all cooperation with the Agency and had asked Agency inspectors to remove all containment and surveillance equipment from the Yongbyon nuclear facilities and to leave the DPRK in April. His country deeply regretted the fact that, since then, the Agency had not been in a position to carry out any monitoring and verification activities on the ground in the DPRK. It was its strong belief that the Agency's verification role was an essential part of the DPRK denuclearization process and it hoped that the Agency would resume its monitoring and verification role at the DPRK's nuclear facilities at the earliest possible point.

46. The DPRK's recent provocative actions not only posed a serious threat to peace and stability in north-east Asia and beyond, they also constituted a grave challenge to the international nuclear non-proliferation regime. Following its long-range rocket launch on 5 April in contravention of United Nations Security Council resolution 1718 (2006), the DPRK had conducted a second nuclear test on 25 May in defiance of the repeated warnings of the international community. That test was an unacceptable act of provocation which violated the Joint Statement of September 2005 and other six-party talks agreements and Security Council resolutions.

47. The Republic of Korea welcomed Security Council resolution 1847 (2009), which condemned the nuclear test in the strongest terms, reinforced the sanctions regime and stepped up the implementation and monitoring mechanism. That resolution clearly reflected the united and resolute will of the Security Council to prohibit the DPRK's nuclear weapons development and nuclear proliferation. It was an expression of the international community's firm resolve to respond collectively to the DPRK's repeated provocations, and his country hoped that all Member States would join in united efforts to implement fully the provisions of the resolution.

48. His country was also deeply concerned about the defiant statement issued by the DPRK Foreign Ministry on 13 June that the DPRK would never abandon nuclear weapons and that it planned to weaponize all plutonium it extracted and embark on a uranium enrichment programme. The Republic of Korea strongly urged the DPRK to refrain from further provocative actions which could aggravate the security situation in the region, and to take the path of dialogue for the resolution of its nuclear and missile issues. It further urged the DPRK to abandon all nuclear weapons and existing nuclear programmes, to return immediately to the NPT regime and to comply faithfully with international norms.

49. Ms LISTYOWATI (Indonesia)* condemned the DPRK's nuclear test of 25 May 2009 as a clear violation of the six-party agreements which jeopardized global nuclear disarmament and non-proliferation. Indonesia urged the DPRK to refrain from conducting any further nuclear tests and stressed the importance of the denuclearization of the Korean Peninsula. Diplomacy, negotiation and other peaceful means were the best and most suitable approaches for dealing with the issue and her country emphasized the need for the resumption of negotiations within the framework of the six-party talks. It called on the DPRK to return immediately to the talks.

50. It was particularly regrettable that, on 16 April 2009, the DPRK had decided to cease all cooperation with the Agency, whose verification activities were essential to ensure that all the DPRK's nuclear activities were exclusively for peaceful purposes. Indonesia called on the DPRK to return immediately to the NPT and Agency safeguards.

51. The CHAIRPERSON, summing up the discussions, said that the Board had expressed its deep concern and regret at the recent nuclear test announced by the DPRK on 25 May 2009, which constituted a violation of relevant United Nations Security Council resolutions. Many members had condemned the test and called on the DPRK to abide by those resolutions, including most recently resolution 1874 (2009).

52. The Board had regarded the DPRK nuclear issue and that country's nuclear tests as a serious threat to the international nuclear non-proliferation regime and regional peace and stability. Several members had urged the DPRK to renounce nuclear weapons and to return immediately to the six-party talks and work towards implementation of the 2005 Joint Statement.

53. The Board had urged the DPRK to reverse its decision to expel Agency inspectors, as well as its decision to restore the nuclear facilities which had been disabled. The Board had also urged the DPRK to maintain its cooperation with the Agency on monitoring and verification, and to allow an early resumption of the six-party talks.

54. Several members had underlined the importance of swift and full implementation of the commitments contained in the Joint Statement, leading to the full disablement and dismantlement of the nuclear weapons programme of the DPRK in a verifiable manner, including the DPRK's provision of a complete and correct declaration of all its nuclear programmes. They had urged the DPRK to return to the NPT and to Agency safeguards, and to join the CTBT, at an early date.

55. Some members had stated that no actions that could aggravate the situation should be undertaken.

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

57. The Board had emphasized the importance of continued dialogue to achieving a peaceful and comprehensive resolution of the DPRK nuclear issue and early denuclearization of the Korean Peninsula.

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

59. She took it that her summing-up was acceptable to the Board.

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

(e) Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran
(GOV/2009/35)

61. Ms GOICOCHEA ESTENOZ (Cuba), speaking on behalf of NAM, thanked the Secretariat for the report contained in document GOV/2009/35 and began by reiterating NAM's principled positions on the matter.

62. NAM reaffirmed the basic and inalienable right of all States to develop research, production and use of nuclear energy for peaceful purposes, without any discrimination and in conformity with their respective legal obligations. Therefore, nothing should be interpreted in such a way as to inhibit or restrict the right of States to develop atomic energy for peaceful purposes. States' choices and decisions, including those of the Islamic Republic of Iran, in the field of peaceful uses of nuclear technology and fuel cycle policies must be respected.

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

64. NAM emphasized the fundamental distinction between the legal obligations of States to their respective safeguards agreements and any confidence-building measures voluntarily undertaken to resolve difficult issues, and believed that such voluntary undertakings were not legal safeguards obligations.

65. NAM considered the establishment of a nuclear-weapon-free-zone in the Middle East as a positive step towards attaining the objective of global nuclear disarmament and reiterated its support for the establishment of such a zone in accordance with relevant United Nations General Assembly and Security Council resolutions.

66. NAM reaffirmed the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — whether operational or under construction — posed a great danger to human beings and the environment, and constituted a grave violation of international law, the principles and purposes of the Charter of the United Nations and the regulations of the IAEA. NAM recognized the need for a comprehensive multilaterally negotiated instrument prohibiting attacks or threats of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

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

68. NAM stressed that diplomacy and dialogue through peaceful means must continue in order to find a comprehensive and long-term solution to the Iranian nuclear issue. NAM expressed its conviction that the only way to resolve the issue was to pursue substantive negotiations without any preconditions among all relevant parties

69. In his latest report, the Director General had stated once again that the Agency had been able to continue to verify the non-diversion of declared nuclear material in the Islamic Republic of Iran. NAM also noted that the Agency had not found indications of ongoing reprocessing activities at those facilities which were being monitored in Iran by the Agency.

70. Furthermore, NAM took note of the fact that activities related to production of nuclear material, particularly those related to enrichment, remained under Agency containment and surveillance. That was shown by a number of facts contained in the report: the nuclear material at the Fuel Enrichment Plant (including the feed, product and tails), as well as all installed cascades, remained under Agency containment and surveillance, and the Agency and Iran were discussing improvements in the facility's accounting system; the nuclear material at the Pilot Fuel Enrichment Plant, as well as the cascade area, remained under Agency containment and surveillance; to date, the results of the environmental samples taken at both plants indicated that they had been operating as declared; since March 2007, 26 unannounced inspections had been conducted at the Fuel Enrichment Plant.

71. NAM fully supported the Director General's request to those Member States that had provided the Secretariat with information related to the alleged studies that they agree to the Agency providing copies to Iran. NAM expressed once again its concerns regarding the creation of obstacles in that regard which hindered the Agency's verification process.

72. Taking into account the recent developments and previous reports by the Director General on the implementation of the work plan, NAM continued to look forward to safeguards implementation in Iran being conducted in a routine manner.

73. NAM reiterated its principled position that diplomacy and dialogue were the only way to find a long-term solution to the Iranian nuclear issue. NAM encouraged all Member States to contribute positively to that goal. NAM also expected all concerned parties to avoid undue pressure which might put at risk the constructive process among them.

74. 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 Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, and Montenegro, and the EFTA countries Iceland and Norway, members of the European Economic Area, as well as Ukraine, the Republic of Moldova and Georgia, thanked the Director General and the Secretariat for their professional and impartial work in implementing verification activities in Iran.

75. Iran had repeatedly requested the Agency to resume safeguards inspections and other verification-related activities in the Islamic Republic of Iran in a routine manner and to delete the item on the implementation of safeguards in its territory from the Board's agenda. That could only be possible if Iran cooperated fully with the Agency and met all the requirements both of the United Nations Security Council and the Board.

76. Since the preceding meetings of the Board, the situation had developed in a worrying direction. Iran had continued to fail to comply with both the requirements of the Board and United Nations Security Council resolutions, it had ignored the request to implement the additional protocol, and it had failed to cooperate sufficiently with the Agency and to suspend its enrichment activities. On the contrary, as reported by the Director General, the number of installed centrifuges had increased to 7221 as of 31 May 2009. Iran had also continued to feed UF₆ into its cascades at the fuel enrichment plants in Natanz and, as of 31 May 2009, based on the Director General's report, Iran was in possession of an estimated 1339 kg of low-enriched UF₆, which had no obvious civilian application. It had failed to suspend its heavy water activities, including construction of the IR-40 reactor, and to permit the Agency to verify the suspension. It also continued to refuse to implement the modified Code 3.1 of its Subsidiary Arrangements General Part on the early provision of design information. Iran had refused to permit the Agency to carry out verification of design information at the IR-40 reactor. Despite repeated requests by the Agency, it had not allowed inspectors to visit the IR-40 reactor since August 2008. Furthermore, the Agency had still not received preliminary design information on the nuclear power plant to be built at the Darkhovin site. Refusal to implement the modified text of Code 3.1 was not consistent with Iran's obligations under its safeguards agreement. The Agency had stated that that could adversely impact the Agency's ability to carry out effective safeguards as requested by the Security Council. Finally, Iran continued not to cooperate with the Agency in clarifying a number of outstanding issues which gave rise to concerns over a possible military dimension to Iran's nuclear programme. As indicated in the Director General's report, the Agency had not succeeded in making any substantive progress on those issues.

77. The long list of failures by Iran was of grave concern and it was time to start solving them. Therefore, the European Union urged Iran: to cooperate fully with the Agency in a transparent manner and to comply with the requirements of the Board and the relevant United Nations Security Council resolutions; to suspend its enrichment-related and heavy water-related activities and to permit the Agency to verify the suspension; to implement the modified Code 3.1 of its Subsidiary Arrangements General Part on the early provision of design information, and to provide preliminary design information on the nuclear power plant to be built at the Darkhovin site and grant access to the Agency's inspectors to the IR-40 reactor so as to enable the Agency to carry out verification of the design information, in which connection the European Union wished to re-emphasize that it was an obligation of each and every Agency Member State party to the NPT to declare all its nuclear installations and, under the modified Code 3.1, to report also on the planning and construction of any nuclear facility to the Agency as soon as the decision on its construction was taken; to cooperate fully with the Agency in clarifying the outstanding issues concerning possible military dimensions to Iran's nuclear programme and to provide all requested information and access to relevant documentation, locations and individuals in order to enable the Agency to clarify the character of the Iranian nuclear programme; to implement in full the additional protocol, as that was commonly agreed to be an indispensable prerequisite for the Agency to provide credible assurances regarding the absence of undeclared nuclear material and activities; and to implement all measures required to establish confidence in the exclusively peaceful nature of its programme. The European Union also called upon Iran to join the relevant safety conventions, as it was the only country building a nuclear reactor not to have done so.

78. The European Union would appreciate the Secretariat giving to the Board, in the course of the current series of meetings or at its earliest convenience, a briefing conveying an assessment of the possible military dimensions of Iran's nuclear programme, describing the nature of the information available to the Agency, giving the Agency's analysis of the information and identifying a possible way forward.

79. The European Union would pursue its active dual-track policy and expected Iran to fulfil all requirements and obligations. In that connection, he recalled once again the offer made by China, France, Germany, Russia, the United Kingdom and the United States, and supported by the European Union High Representative.

80. As European Foreign Ministers had indicated in very clear terms in April, the European Union called upon Iran to seize the opportunity to engage seriously with the international community in a spirit of mutual respect, in order to find a negotiated solution to the nuclear issue which would address Iran's interests, including the development of a civil nuclear power generation programme, as well as the international community's concerns. The evolution of the European Union's relations with Iran would depend on that. Iran's nuclear programme remains a matter of grave concern for the international community since, if Iran were to acquire a military nuclear capability, that would constitute an unacceptable threat to security, both regional and international. Iran must restore confidence in the exclusively peaceful nature of its nuclear activities.

81. Mr HEINONEN (Deputy Director General for Safeguards), responding to the request by the representative of the European Union for a briefing, said that the Agency had no new information to report over and above that provided in the briefing given on 10 June.

82. Mr ARSHAD (Malaysia) said that, since the Board's meetings in March, Iran had continued its cooperation with the Agency and had resolved the six outstanding issues in accordance with the work plan agreed with the Agency. As reported by the Director General, the Agency had continued to verify the non-diversion of declared nuclear material in Iran. Malaysia therefore hoped that safeguards implementation in Iran could now proceed in a routine manner.

83. His country also noted from the Director General's report that the Agency had not detected the use of nuclear material in connection with the alleged studies, nor did it have credible information in that regard. The work of the Agency should be based solely on verifiable and factual information.

84. Malaysia strongly believed that it was vital for all States to recognize the central role and authority of the Agency on issues pertaining to verification and safeguards compliance. As such, there should be no undue pressure on or interference in the Agency's activities, especially its verification process, which would jeopardize its efficiency and credibility.

85. In order to tackle comprehensively the issue of proliferation, there had to be sincerity in implementing all the resolutions adopted at Agency General Conferences and Board meetings, especially regarding the establishment of a nuclear-weapon-free-zone in the Middle East. The international community should not turn a blind eye to one State in the Middle East that had not acceded to the NPT and was believed to have acquired nuclear weapons capabilities while Iran, which was a party to the NPT, continued to be scrutinized when there was no known evidence of any diversion of declared nuclear material and activities to prohibited purposes.

86. Malaysia also strongly believed that diplomacy and dialogue should continue to continue to find a durable solution through peaceful means to the Iranian nuclear issue, which was the only way to resolve the problem. It also hoped that all parties concerned would avoid taking any measures that might put at risk the ongoing constructive process between Iran and the Agency and the considerable achievements to date.

87. Mr FAWZY (Egypt) said that efforts related to the Iranian nuclear programme should not be made in isolation from efforts to eliminate nuclear weapons from the Middle East region and place all nuclear installations there under Agency safeguards. Parallel efforts should be made to deal with Israeli nuclear activities.

88. Turning to the report by the Director General, he reaffirmed that the Iranian nuclear issue should be settled through negotiations and via peaceful means. He welcomed the Agency's continued verification of the non-diversion of nuclear material in Iran and urged Iran to continue to cooperate with the Agency within the framework of its existing legal obligations. Egypt upheld the right of all countries to benefit from the peaceful uses of nuclear energy. Furthermore, requiring demonstrations of transparency and cooperation which went beyond a State's legal obligations was an approach that imposed precautions and limitations: it should not be based on allegations, information or conclusions whose credibility could not be verified.

89. Mr VALLIM GUERREIRO (Brazil) noted that the situation described in the Director General's report was not substantially different from the one the Board had considered at its preceding series of meetings.

90. He expressed the hope that, in the near future, the Agency would be able to report progress which would eventually allow the Board to decide that it had no more doubts about the peaceful nature of Iran's nuclear programme. He urged Iran and the Director General to work together to find a way out of the current deadlock, and looked forward to future negotiations and discussions which would engender international confidence in the exclusively peaceful nature of Iran's nuclear activities.

91. Ms GERVAIS-VIDRICAIRE (Canada) commended the Secretariat for its continued professional and impartial work on the many outstanding questions concerning the scope and nature of Iran's nuclear programme. Canada was deeply concerned that the Director General's most recent report, similar to previous reports over the preceding year, continued to indicate a lack of substantive progress on serious outstanding issues owing to lack of cooperation by Iran.

92. Outstanding issues associated with the alleged studies were particularly troubling since they related to possible military dimensions to Iran's nuclear programme. It was essential that Iran cooperate fully with the Agency to clarify those outstanding issues in order to enable the Agency to provide assurances of the absence of undeclared nuclear material and activities in Iran, and that all nuclear activities were strictly for peaceful purposes. Future reports on Iran would benefit from the inclusion of an annex detailing the Secretariat's conclusions regarding the military dimensions of Iran's nuclear programme.

93. Her country noted with serious concern Iran's ongoing lack of cooperation in implementing the Code 3.1 provisions of its Subsidiary Arrangements on early provision of design information, and Iran's repeated refusals to grant the Agency access to the IR-40 reactor which was under construction. As was reiterated in the report, that lack of access could adversely impact the Agency's ability to carry out effective safeguards at the facility and had made it difficult for the Agency to report further on the construction of the reactor, as requested by the United Nations Security Council. Iran's ongoing refusal to implement Code 3.1 or provide access to the Agency to carry out design information verification were inconsistent with Iran's safeguards obligations and appeared to constitute yet another breach in compliance with its NPT safeguards agreement.

94. Given the lack of confidence expressed by the Board in the peaceful nature of Iran's nuclear programme, Canada fully endorsed the resolutions passed by the Board and the United Nations Security Council. As a confidence-building measure, Iran should heed those resolutions by suspending enrichment-related and reprocessing activities and its work on heavy water-related projects. Her country also noted with great concern Iran's ongoing installation of further enrichment capacity and its

work on future generations of centrifuges, actions which not only showed no effort to abide by Security Council resolutions but moved in the opposite direction.

95. Furthermore, contrary to the requests of the Board of Governors and the Security Council, Iran had not implemented the additional protocol nor agreed to the Agency's requests that Iran provide, as a transparency measure, access to additional nuclear-related locations. In that regard, she strongly urged Iran to ratify without delay, and implement fully, an additional protocol, and to cooperate proactively with the Agency.

96. Openness, transparency and full cooperation were critical to address the serious outstanding issues and she urged Iran to take immediately the necessary actions to restore international confidence in the peaceful nature of its nuclear programme. Such action was long overdue and the lack of progress in addressing those issues should not continue. Iran must be proactive in providing the cooperation requested by the Board and the Security Council, or risk further measures from the international community.

97. Safeguard activities in Iran should not return to a routine basis until all outstanding issues relating to the scope and nature of Iran's nuclear programme were resolved. The item must remain on the Board's agenda until then.

98. In view of the range of issues involved and number of reports already submitted, the Secretariat should consider providing Member States with a recapitulation of outstanding issues and specific actions undertaken to date by the Agency and Iran.

99. Finally, given the ongoing and broad interest in the issue and the importance of the principle of transparency, and in accordance with past practice, she requested that the report contained in document GOV/2009/35 be made public.

100. Ms MACMILLAN (New Zealand) expressed regret that the latest report did not relieve her country's ongoing concerns about the nature of Iran's nuclear programme and its possible military dimension. Instead, the report confirmed that Iran had still not provided the Agency with the information and access it needed to be able to address those concerns and to make progress in its efforts to provide assurances to the international community regarding the absence of undeclared nuclear material and activities in Iran.

101. Iran continued to deny the Agency access to carry out design information verification at the IR-40 reactor, which had made it difficult for the Agency to report further on the construction of the reactor, as requested by the Security Council, particularly given the completion of the containment structure over the IR-40 building. Eighteen months after the initial request, Iran's continuing failure to provide the Agency with preliminary design information for the nuclear power plant to be built at Darkhovin was also of concern.

102. The report confirmed the ongoing operation of Iran's Fuel Enrichment Plant. Her country also noted the Agency's statement that, given the increasing number of cascades being installed and the increased rate of production of low-enriched uranium, improvements in the containment and surveillance measures at the plant were needed for the Agency to continue to meet fully its safeguards objectives. New Zealand looked forward to receiving further information from the Agency on its proposed solution and its discussions of the issue with Iran.

103. Her country remained concerned that, contrary to the requirements of the Security Council and the request of the Board, Iran had not implemented the additional protocol or adopted other transparency measures which were essential to enable the Agency to provide assurances about the absence of undeclared nuclear material and activities in that country. It was essential that Iran comply without delay with all Board decisions and Security Council resolutions with a view to resolving all

outstanding issues. In doing so, it should take full advantage of new opportunities for engagement, including with the five permanent members of the Security Council and Germany.

104. Ms LACANLALE (Philippines) said that her country continued to have full confidence in the integrity, impartiality and professionalism of the Director General and the Secretariat and she commended them for their continued dedication and hard work.

105. The Philippines welcomed the Director General's statement that the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran and that it had not found indications of ongoing reprocessing activities at the facilities it had been monitoring. It also welcomed the cooperation extended by Iran in connection with the conduct of inspections by the Agency.

106. However, her country remained concerned about the lack of progress in resolving the outstanding issues mentioned in the latest report and in previous reports of the Director General. It urged Iran to cooperate with the Agency to resolve those issues and to continue providing transparency and access to substantive information as confidence-building measures.

107. At the same time, the Philippines urged other concerned parties to cooperate fully with the Agency to enable it to develop modalities that would allow Iran to clarify issues further, allowing credible assurances to be provided regarding the absence of undeclared nuclear material and activities.

108. The Philippines reiterated its call for Iran to implement the additional protocol and comply with relevant United Nations Security Council and Agency Board resolutions.

109. She stressed the importance of continued consultations and dialogue in finding a peaceful and comprehensive solution to the Iranian nuclear issue and welcomed the new initiative of the United States to engage in direct dialogue with Iran. The Philippines shared the hope expressed by the Director General that Iran would respond to that initiative with an equal gesture of goodwill and trust-building, in order to pave the way for a settlement of the issue that would enable it to continue exercising its right to use nuclear energy for peaceful purposes.

110. Mr TANG Guoqiang (China) commended the Director General on his objective and professional report and expressed appreciation for the efforts the Secretariat had made to implement safeguards in Iran and find a solution to the Iranian nuclear issue. His country had noted that the report stated that the Agency continued to implement safeguards activities in Iran and could confirm the non-diversion of nuclear material declared by Iran.

111. China also noted with concern that Iran had not yet ceased its uranium enrichment activities, as requested by the United Nations Security Council, and that no progress had been made towards clarifying the outstanding issues. As a party to the NPT, Iran enjoyed the right to peaceful uses of nuclear energy, but at the same time it must honour its international obligations. His country hoped that Iran would take steps to implement fully the relevant resolutions of the Board and the Security Council, and that it would increase its cooperation with the Agency and actively consider resuming its voluntary implementation of the additional protocol in order to restore the confidence of the international community in its nuclear programme.

112. There was a new opportunity for solving the Iranian nuclear issue through negotiation. It was China's hope that all parties concerned would seize the opportunity, make intensive diplomatic efforts and try to resume negotiations at an early date with a view to seeking a comprehensive and long-term solution to the issue. China supported the international non-proliferation regime and advocated a diplomatic, negotiated solution to the Iranian nuclear issue. Indeed, it had always made consistent efforts to promote conciliation and negotiation. In that interest, and in the interest of regional peace and stability, it would join with the other parties concerned to promote a peaceful solution to the Iranian nuclear issue.

113. Mr BERDENNIKOV (Russian Federation) said that the Secretariat's efforts to clarify the history of the Iranian nuclear programme, the information it regularly provided on Iran's nuclear activities and the steps recommended to resolve the outstanding issues were important for restoring confidence in Iran's plans to develop nuclear energy. The report showed that the Agency was continuing to verify the non-diversion of declared nuclear material in Iran in accordance with its safeguards agreement. His country called on Iran to comply fully with the resolutions of the United Nations Security Council and the Board, including with respect to transparency measures, so as to dispel as quickly as possible the international community's concerns over the nature of the Iranian nuclear programme. The Russian Federation saw no alternative to a political and diplomatic settlement of the issue and hoped that efforts to initiate negotiations would be successful.

114. Mr AQRAWI (Iraq) said that his Government urged all parties to adopt a balanced approach to the Iranian nuclear issue. The Agency's demands were legitimate and fully in line with the decisions of the Board and Security Council resolutions. The parties should respect those decisions, avoid escalation and use dialogue and diplomatic efforts to resolve the issue. Iraq reaffirmed the inalienable right of all countries to the peaceful use of nuclear energy, as enshrined in the NPT, and stressed the importance of transparency and of providing all necessary assurances to the international community regarding Iran's peaceful use of nuclear energy. Iran should voluntarily resume implementation of the additional protocol. It should also continue to cooperate with the Agency and the international community in order to dispel all concerns about possible military dimensions to its nuclear programme. International verification efforts in relation to Iran's nuclear programme must be placed in the proper context, namely reduction of the risk of nuclear proliferation throughout the Middle East. The Agency should be given sufficient time to achieve definitive results that could be used to take appropriate decisions.

115. Mr SHANNON (Australia) commended the Secretariat on its persistence in implementing safeguards and verification activities in Iran. The Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran, but both the containment and surveillance measures at the Fuel Enrichment Plant and that facility's accountancy system needed to be improved for the Agency to continue to meet its safeguards objectives. Australia urged Iran to cooperate in that regard.

116. The Agency's latest report reiterated the findings of previous reports: that Iran had not suspended its enrichment-related activities or its work on heavy water-related projects as required by the Security Council. It now had over 7000 centrifuges installed, of which almost 5000 were enriching UF₆. It should suspend those enrichment-related activities and work on heavy water-related projects, as required by the Security Council.

117. His country urged Iran to implement the additional protocol and the revised Code 3.1 on the early provision of design information, and to permit the Agency to carry out design information verification at the IR-40 facility.

118. There were also outstanding issues concerning possible military dimensions to Iran's nuclear programme that needed to be clarified. Iran should take the strategic decision to cooperate fully with the Agency and provide it with the information it sought, as well as access to documentation, locations and individuals. It should resolve the questions concerning alleged studies related to uranium conversion, high explosives testing and the design of a missile re-entry vehicle, which could have a military dimension and appeared to have had administrative interconnections. It should provide more information regarding its acquisition of the uranium metal document. It should clarify the procurement and R&D activities of military-related institutes and companies that could be nuclear-related. In addition, it should clarify the production of nuclear equipment and components by companies belonging to defence industries.

119. The Director General should continue to report to the Board on the implementation of safeguards in Iran and the next report should include a comprehensive stocktaking of outstanding issues. Australia joined with other Board members in calling for the publication of the report in the interests of transparency and informed public debate. It welcomed the efforts by the United States and other Governments to engage Iran in dialogue and urged Iran to take that historic opportunity to respond positively.

120. Mr DÍAZ (Mexico) said that, despite the Agency's affirmation that all nuclear material at the Fuel Enrichment Plant and the Pilot Fuel Enrichment Plant, the cascades installed and the uranium produced at the Uranium Conversion Facility remained under Agency containment and surveillance, Mexico continued to be concerned over the lack of progress with respect to the implementation by Iran of the modified Code 3.1 of its Subsidiary Arrangements General Part. Another cause for concern was the fact that, after repeated requests by the Director General, Iran had still not provided the substantive information asked for by the Agency, or given it access to the relevant facilities, making it impossible to exclude the possibility that the nuclear programme in Iran might have military dimensions. It was essential that the Iranian Government give unrestricted access to sites related to centrifuge production, research and development on uranium enrichment and uranium mining and processing, as requested by the Board, by applying the additional protocol, which was indispensable for the Agency to be able to give the international community credible assurances regarding the absence of undeclared nuclear material and activities in Iran.

121. Mexico renewed its call on the Government of Iran to cooperate with the Agency effectively and without delay, and to take all necessary measures to resolve each and every one of the outstanding issues in an expeditious and transparent manner in order to contribute to international peace and security and meet its obligations under the NPT. To create a favourable environment for negotiation and build confidence, Iran should immediately suspend its uranium enrichment activities in accordance with the resolutions of the United Nations Security Council.

122. International confidence had been undermined by Iran's failure to cooperate with the Agency, and additional transparency was needed from the Iranian authorities. Member States that had provided documentation to the Agency should do what was necessary to enable the Director General to share further information with Iran. The only way to solve conflicts was through dialogue and negotiation. Thus, negotiations among the parties concerned should be resumed.

123. Iran's failure to cooperate, which was on all accounts unjustified, was all the more disturbing in the light of new and more positive signals with respect to the resumption of negotiations on nuclear disarmament in the Conference on Disarmament. The United Kingdom, France and the United States had shown a new willingness to review nuclear disarmament strategies at both bilateral and multilateral level. The United States Government was taking a proactive approach to dialogue with Iran in an attempt to avert an arms race in the Middle East and protect the inalienable right to access to nuclear energy for peaceful purposes in compliance with the NPT. Such developments should not be undermined by rigid positions that went against international law as well as Security Council resolutions.

124. Just recently, the international community had made known its concerns regarding nuclear proliferation by unequivocally condemning the actions taken by the DPRK and raising the level of sanctions against that country under Chapter VII of the Charter of the United Nations. The Security Council's response to the DPRK's explosion of a nuclear device should serve as a clear signal of the international community's determination to condemn and sanction such acts and to take any preventive measures that might be required.

125. Finally, drawing attention to the forthcoming elections that would decide the Agency's future, he said that the role the Agency had to play in the situation under consideration was one of strong leadership. The Agency's job was crucial in meeting effectively, with the cooperation of all Member States, existing and future challenges in the field of nuclear verification and the peaceful use of nuclear energy. The international community needed an Agency that was steered with as strong and sure a hand as it was at present, one which would command the support of all its members.

126. Ms DONNA RABALLO (Argentina) expressed regret at the lack of substantive progress on the Iranian nuclear issue since the Director General's preceding report in March. Iran, in violation of Security Council resolutions, had not suspended its enrichment-related activities or its work on heavy water-related projects, including its construction of a heavy water research reactor, the IR-40, and production of fuel for it. It was still not implementing the modified Code 3.1 of its Subsidiary Arrangements General Part on the early provision of design information and was refusing to permit the Agency to carry out design information verification at the IR-40.

127. Contrary to the requests of the Board and the Security Council, Iran was not implementing the additional protocol or providing access to sites connected with centrifuge construction, research and development on uranium enrichment, and uranium mining and processing. It was essential that it provide the Agency with substantive information and access to the relevant documentation, locations and individuals in connection with the outstanding questions regarding possible military dimensions of its nuclear programme. In particular, with respect to the alleged studies, it should clarify to what extent the information in the documentation shown to it by the Agency was factually correct and indicate whether that information might have been altered or was related to non-nuclear objectives. The Member States that had provided documentation should work out new modalities with the Agency so that it could share further information with Iran. Iran must implement the transparency measures called for by the Security Council to enable the Agency to provide credible assurances regarding the absence of undeclared nuclear material and activities. It should take all necessary measures at the earliest possible opportunity to build confidence in the exclusively peaceful nature of its nuclear programme.

128. Mr PYATT (United States of America) thanked the Director General and the Secretariat for their continued serious and professional efforts in conducting their verification mission in Iran.

129. Once more, the Board had before it confirmation that the Agency's task was not an easy one. Indeed, the language of the Agency's reports had become repetitive in its description of Iran's refusal to comply with its obligations, while advancing its proscribed nuclear program and denying the Agency the access and information it required.

130. Iran had so limited the Agency's ability to carry out its investigation into the many outstanding issues surrounding its nuclear programme that no progress had been made toward a resolution of that issue since August 2008. As a result, the latest report of the Director General represented another opportunity Iran had missed to address the concerns of the international community with respect to its nuclear programme. It was regrettable that no progress had been made in the Agency's investigations, or with respect to Iran's fulfilment of its United Nations Security Council, NPT and Agency obligations, or in generating international confidence in the exclusively peaceful nature of Iran's nuclear programme.

131. As President Obama had noted in Cairo on 4 June, the question now was what future Iran wanted to build: one of inclusion and cooperation as a responsible member of the international community, or one of increasing isolation. The United States called on Iran's leaders to demonstrate a genuine commitment to peace and security in the Middle East and to the non-proliferation regime. Unfortunately, Iran's non-compliance continued to erode the foundation of mutual confidence and

trust upon which the entire non-proliferation regime — and the Agency's safeguards system — was built.

132. With regard to Iran's past efforts to design a nuclear warhead, the Director General's report to the Board in September 2008 had discussed various proposals for Iran to address the many outstanding issues related to possible military dimensions of its nuclear programme. In November 2008, the Director General had asked Iran to assist the Agency by providing it with access to documentation, information and personnel to demonstrate, as Iran had asserted, that its warhead activities were not nuclear-related. The Director General had encouraged Iran to provide clarifications and substantive explanations to support its contentions about the considerable information provided to the Agency by multiple States. It was therefore disappointing that over nine months had gone by and Iran had failed to take what the Director General called an important first step in addressing those long outstanding issues. What conclusion should the Board draw from Iran's refusal even to meet with Agency inspectors, much less to provide substantive answers to the Agency's questions?

133. Iran claimed that all of the Agency's concerns had been addressed. Unfortunately, that was far from the case. The Board had a responsibility to demand full answers, especially since the Agency was unable to fulfil its basic function of providing assurances as to the peaceful nature of a State's nuclear programme. When a State such as Iran, which had failed to observe its safeguards agreement fully for decades, was known to have engaged in weapons-related work, it made the task all the more vital.

134. It remained deeply troubling that Iran continued to make progress in its uranium enrichment programme, despite its legally binding obligation to suspend such activity. The fact that Iran had now produced over 1300 kg of low-enriched uranium hexafluoride was cause for serious concern. It was now acquiring sufficient low-enriched uranium to produce one nuclear weapon if further enriched. It also continued to install and test additional centrifuge cascades. Far from having suspended or moderated its centrifuge activities, in less than a year it had nearly doubled the number of operational and near-operational centrifuges at the Fuel Enrichment Plant at Natanz, and Member States had been informed at the recent technical briefing that it was now testing a more advanced centrifuge. That was deeply regrettable. As the Director General had noted in his opening statement, Iran must take steps — possibly including a 'freeze for freeze' arrangement, implementation of its design information verification requirements and adherence to the additional protocol — in order to build international confidence in its nuclear programme and overcome fears that it continued to seek a weapons option.

135. His country noted with concern that Iran's work on the Arak heavy water reactor had continued, as had its apparent production of heavy water at the associated plant. Construction of that reactor could provide Iran with the capability to produce one or two weapons' worth of plutonium annually if the reactor was brought on line. Iran argued that it had no intention to use the Arak reactor for military purposes and that Agency safeguards should provide confidence that that was the case. However, Iran's refusal to meet its safeguards obligations deprived the international community of that confidence.

136. Nowhere was the lack of cooperation more evident than in Iran's persistent refusal to permit the Agency to conduct a design information verification inspection of the Arak reactor. Iran's response to Agency requests for access to the reactor had been uniformly negative and dismissive of the Agency's concerns. To justify its response, Iran claimed to have unilaterally dispensed with its obligation of early declaration of nuclear facilities under the modified Code 3.1 of its Subsidiary Arrangements General Part, though the Agency had asserted that there was no provision in the IAEA Statute or in Iran's safeguards agreement that permitted the unilateral modification of its obligations. Indeed, the Agency's legal advisor had indicated that Iran's failure to apply Code 3.1 was inconsistent with its safeguards obligations. The Secretariat had informed Iran in writing that it could not unilaterally alter its safeguards obligations by suspending Code 3.1 and by denying inspections at Arak. Though

initially some might have questioned the practical significance of Iran's stance, the Director General had made clear the serious implications of Iran's refusal to grant the Agency access to the IR-40, which could adversely impact the Agency's ability to carry out effective safeguards at the facility and had made it difficult for the Agency to report further on the construction of the reactor. In short, Iran was increasingly putting the effectiveness of Agency safeguards at risk by not allowing such inspections at Arak. Over a year ago, the Director General had requested design information verification information for the new power plant Iran planned to construct at Darkhovin. Once again, Iran had refused to provide such information.

137. The recent technical briefing had raised questions regarding the future of safeguards at Natanz as well. Containment and surveillance measures were the bedrock of Agency safeguards. His country hoped that the Agency and Iran would come to an appropriate agreement regarding the safeguards approach at Natanz and it urged Iran to meet the obligation imposed upon it by the Security Council to suspend all activities at Natanz without further delay.

138. Over the preceding four years, Iran had increasingly refused to cooperate with the Agency and provide the access and transparency required of it by the Security Council. Its refusal to implement the additional protocol, or even fully to implement its safeguards agreement, merited the sustained attention of the international community and a vigorous response by the Board. In his speech in Cairo, President Obama had stated that any nation, including Iran, should have the right of access to peaceful nuclear power if it complied with its responsibilities under the NPT. Iran should fulfil all its responsibilities, including to engage fully and transparently with the Secretariat in resolving outstanding issues without further delay. It should provide the Agency immediately with all requested information on past, present and planned nuclear activities and acknowledge its continuing responsibilities in that regard.

139. Iran's current posture vis-à-vis the Agency deeply undermined its assertion that its nuclear programme was exclusively peaceful in nature. It was incumbent on Iran to take the necessary measures to restore its credibility with the international community and to demonstrate it was living up to its international responsibilities. Only in that fashion would it be able to reassure the international community as to its peaceful intentions.

140. His Government was committed to a diplomatic resolution of international concerns over Iran's nuclear programme. It called on Iran to seize the opportunity and respond substantively to the offer made in April 2009 by the five permanent members of the Security Council plus Germany. The United States was willing to engage in direct diplomacy based on mutual respect and interests, and to seek a willing partner. However, with rights came responsibilities.

141. In conclusion, he urged Iran to fulfil its international nuclear obligations and to accept the promise of a negotiated and comprehensive settlement, expressing the hope that Iran would not miss the opportunity to resolve its six-year-long stalemate with the international community by taking immediate steps to restore international trust and confidence, and looking forward to a time in which Iran was greeted by the Board as an Agency Member State in good standing. Iran should do what was necessary to make that a reality.

The meeting rose at 1 p.m.