

IAEA Board of Governors

Record of the 1241th 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 1241st 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 LIU Yongde		China
Ms GOICOCHEA ESTENOZ		Cuba
Mr STACEY MORENO		Ecuador
Mr FAWZY		Egypt
Mr RAAPPANA		Finland
Mr CARON		France
Mr LÜDEKING		Germany
Ms AMOAH		Ghana
Mr KUMAR		India
Mr ALSHARIA		Iraq
Mr COGAN		Ireland
Mr NAKANE		Japan
Mr MAKSIMOVAS		Lithuania
Mr ARSHAD		} Malaysia
Mr SALAM		
Mr CANCHOLA GUTIERREZ		Mexico
Ms MACMILLAN		New Zealand
Ms LACANLALE		Philippines
Mr NECULĂESCU		Romania
Mr BERDENNIKOV		Russian Federation
Mr AL-TAIFI		Saudi Arabia
Mr GUMBI		South Africa
Mr DE GUZMÁN MATAIX		Spain
Mr MARFURT		Switzerland
Mr FIDAN		Turkey
Mr SMITH		United Kingdom of Great Britain and Northern Ireland
Mr PYATT		United States of America
Mr BARROS OREIRO	_____	Uruguay

Attendance (continued)

Mr ELBARADEI

Mr HEINONEN

Mr ANING

Director General

Deputy Director General, Department
of Safeguards

Secretary of the Board

Representatives of the following Member States also attended the meeting:

Angola, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Chile, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Ethiopia, Greece, Guatemala, Holy See, Hungary, Indonesia, Islamic Republic of Iran, Israel, Italy, Jordan, Kenya, Republic of Korea, Kuwait, Krygyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Mongolia, Morocco, Namibia, Netherlands, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Poland, Portugal, Qatar, Senegal, Serbia, 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:

C/S	containment and surveillance
CTBT	Comprehensive Nuclear-Test-Ban Treaty
DPRK	Democratic People's Republic of Korea
EFTA	European Free Trade Association
EU	European Union
EU3	France, Germany and the United Kingdom
HEU	high-enriched uranium
HWR	heavy water reactor
LEU	low-enriched uranium
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
NWFZ	nuclear-weapon-free zone
P5+1	The five permanent members of the United Nations Security Council plus Germany
R&D	research and development
SIR	Safeguards Implementation Report
UNSC	United Nations Security Council

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

5. Nuclear verification

(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** (continued) (GOV/2009/35)

1. Mr GALANXHI (Albania) said that his delegation regretted the lack of progress as regards cooperation between the Agency and the Islamic Republic of Iran, which had failed to comply with a number of Board requirements and UNSC resolutions. The present situation was in the interest neither of Iran nor of the Agency, but it was not too late for calm people of wisdom to take the right decisions.
2. All outstanding issues needed to be clarified by Iran. If, as Iran declared, it wished to use nuclear energy exclusively for peaceful purposes, Albania saw no reason why it was continuing to ignore the request that it implement the additional protocol to its NPT safeguards agreement and comply with the Board's requirements and the UNSC resolutions. His country hoped that a constructive dialogue would bring about solutions based on wise compromises.
3. Mr NAKANE (Japan) said that his country was concerned about the fact that, contrary to a number of UNSC resolutions, the Islamic Republic of Iran was continuing to conduct enrichment-related activities, to work on heavy water-related projects and to maintain its suspension of the implementation of its additional protocol, which it had yet to ratify. Japan particularly regretted that Iran was doing R&D work on a new generation of centrifuges and expanding its enrichment-related activities at Natanz and that it was still not implementing the modified Code 3.1 of the Subsidiary Arrangements General Part and was refusing to permit design information verification at its IR-40 research reactor.
4. Japan, which agreed with the Director General that a number of issues still needed to be clarified in order to rule out the existence of military dimensions to Iran's nuclear programme, had noted the statement in his report that the Agency had "still not received a positive reply from Iran in connection with the Agency's requests for access to relevant information, documentation, locations or individuals."
5. His country was of the view that, without changes to Iran's present position, the Agency would have difficulty in making further progress with its investigations and the confidence of the international community could not be restored. Iran needed to suspend its enrichment-related and heavy water-related projects, ratify and implement the additional protocol to its NPT safeguards agreement, take other transparency measures and cooperate fully with the Agency. It also needed to implement the modified Code 3.1 and to permit design information verification at its IR-40 research reactor.
6. With a view to a peaceful, diplomatic resolution of the Iranian nuclear issue, Iran should take all relevant Board requirements and UNSC resolutions seriously and return without further delay to the negotiation process based on a comprehensive package proposed by the EU3, China, the Russian Federation and the United States of America.
7. Japan was supporting the diplomatic efforts of those States, and Foreign Minister Nakasone had recently visited Iran, where he had met with President Ahmadinejad and Iranian Foreign Minister

Mottaki. He had informed them of his country's concerns and had underlined the importance of Iran's taking the steps necessary in order to restore the confidence of the international community.

8. Mr MARFURT (Switzerland) said that his country was particularly concerned about the enrichment-related activities of the Islamic Republic of Iran, possible military dimensions to Iran's nuclear programme, and design information verification and other implementation problems.

9. As regards Iran's enrichment-related activities, during the past year more and more centrifuges had been installed and more and more LEU had been produced. There was a need for improved Agency surveillance at Natanz.

10. As regards possible military dimensions to Iran's nuclear programme, that issue had still not been satisfactorily addressed, despite the fact that the Agency believed that "it has provided Iran with sufficient access to documentation in its possession to respond substantively to the questions raised by the Agency." Cooperating with the Agency and responding substantively to those questions was a statutory obligation. In that connection, his country shared the Director General's desire that the States possessing relevant information permit the Agency to make use of that information as it saw fit.

11. As regards implementation problems, Switzerland would like to see Iran implementing the modified Code 3.1 of the Subsidiary Arrangements, since its implementation was obligatory.

12. Switzerland, which was well aware that certain aspects of the subject under discussion antedated the start of Iran's nuclear programme, hoped that the present situation would not last much longer and that the encouraging signals emanating from some key players since the beginning of the year would lead to the opening of a genuine dialogue of the kind that the international community had been awaiting for several years.

13. The time had come for diplomacy, and Switzerland would like to see all parties following up on those encouraging signals and intensifying their efforts to launch a true negotiation process aimed at a comprehensive and long-term solution.

14. Mr GUMBI (South Africa) said that the Agency was to be commended for its professional and unbiased verification activities in relation to the nuclear programme of the Islamic Republic of Iran.

15. His delegation had noted from the Director General's report that Iran was continuing to provide the Agency with access to its Fuel Enrichment Plant and the installed cascades and that Iran and the Agency were continuing to improve the accountancy system at the plant. It had also noted that the Agency had informed Iran that, given the increasing number of cascades being installed at the Fuel Enrichment Plant and the increased role of LEU production there, improved C/S was required in order that the Agency might continue to fully meet its safeguards objectives. In addition, it had noted that 26 unannounced inspections had been successfully carried out at the Fuel Enrichment Plant since March 2007. His delegation hoped that Iran would continue cooperating as it had during those inspections.

16. His delegation welcomed the results of the analyses of the environmental samples taken at the Fuel Enrichment Plant and the Pilot Fuel Enrichment Plant, which indicated that those two facilities had been operating as declared.

17. His country shared the Director General's concern that the Agency was still not in a position to conclude that there were no undeclared nuclear material or activities in Iran or to determine the full nature of Iran's nuclear programme. Iran should provide information that would lead to the resolution of all outstanding issues regarding that programme, and those Member States which had provided documentation to the Agency should work out modalities whereby the Agency could share further information with Iran.

18. South Africa continued to be of the view that additional protocols were critical to enabling the Agency to provide credible assurances about the absence of undeclared nuclear material and activities. By implementing the additional protocol to its NPT safeguards agreement, Iran would be able to demonstrate the true nature of its nuclear programme, and it should therefore implement the additional protocol without further delay.
19. His delegation had noted that Iran had still not implemented the modified Code 3.1 of the Subsidiary Arrangements General Part, relating to the early provision of design information. It hoped that Iran would provide the Agency with the required design information soon.
20. South Africa, which considered it important that Iran take the steps required of it by the UNSC in order to build confidence in the nature of its nuclear programme, welcomed the recent indications of renewed dialogue in that regard.
21. Mr FIDAN (Turkey) said that all States complying with their obligations under the NPT had the undisputed right to benefit from the utilization of nuclear energy for peaceful purposes, and that facilitating and monitoring the utilization of nuclear energy for peaceful purposes was a statutory role of the Agency.
22. His delegation had noted with satisfaction that the Agency was continuing to verify the non-diversion of declared nuclear material in the Islamic Republic of Iran. It had also noted, however, that the Agency was still unable to provide credible assurances about the absence of undeclared material and activities there.
23. Turkey considered it important that the outstanding issues relating to Iran's nuclear programme be addressed in a constructive and transparent manner and be positively resolved without further delay.
24. Continued dialogue and cooperation between Iran and the Agency, which might be facilitated by the sharing of further information and — if possible — further documentation, would certainly help in restoring confidence in the exclusively peaceful nature of Iran's nuclear programme.
25. As a neighbour of Iran, Turkey stood ready to help bring about a resolution of the present crisis of confidence through peaceful, diplomatic means.
26. Ms GOICOHEA ESTENOZ (Cuba) said that keeping the subject of safeguards in the Islamic Republic of Iran as a permanent item on the agendas of the Board was unjustifiable: the report now under consideration and the SIR for 2008 once again confirmed that the Agency had verified the non-diversion of the nuclear material declared by Iran; after five years during which Iran had been subject to a special verification regime with unprecedented intensities of inspection and monitoring, the Agency was continuing to state that it had not found any evidence of undeclared nuclear activities in Iran; the production by Iran of nuclear material — which so alarmed some Board members, who considered it a great threat to humanity — was proceeding under strict controls of the Agency, which was monitoring it closely with the help of the most modern techniques and regularly carrying out unannounced inspections; and the outstanding issues that had prompted the opening of the 'Iranian case' had been clarified more than a year previously.
27. What was the point of continuing to address the subject on the basis of dubious accusations? In order to respond to those accusations, it was necessary that Iran take requested action that went well beyond its safeguards obligations. For example, in contravention of the principles of international law, Iran was being called upon to turn over information relating to national defence and security.
28. The subject of safeguards in Iran was being kept on successive Board agendas because of the geopolitical strategies being pursued in the Middle East by certain Member States. Cuba objected to

the hypocrisy of those Member States, which were applying double standards and closing their eyes to the aggressive policies of Israel — the only State in the region not a party to the NPT. As demanded by NAM, Israel should accede to the NPT and submit all its nuclear facilities to Agency safeguards.

29. The subject of safeguards in Iran should be dealt with as a routine matter, and once again it should be dealt with in Vienna. That would help to create a suitable climate for negotiations at other levels aimed at finally resolving matters through dialogue and negotiation on a basis of equality, without preconditions, and with full respect for international law.

30. Mr KUMAR (India) said that his delegation had noted from the report under consideration that a number of issues remained with regard to the nuclear programme of the Islamic Republic of Iran and that the Agency would not be in a position to provide credible assurances about the absence of undeclared nuclear activities in Iran until those issues were clarified. His delegation had also noted that the Director General had said, in his introductory statement, that “there had been no movement by Iran on outstanding issues”.

31. Iran and the other parties concerned should provide the information requested by the Director General and cooperate transparently with the Agency, which was the best forum for addressing all technical aspects of the issue under consideration professionally and impartially, in keeping with the Statute and in the interests of a peaceful resolution of the issue through dialogue.

32. Mr KHELIFI (Algeria) said that his country saw encouraging prospects for achieving nuclear non-proliferation and disarmament goals in the new international situation — a situation that the overcoming of the impasse in the United Nations Conference on Disarmament, to which Algeria had contributed, had helped to bring about.

33. An additional positive factor was the willingness of the new Administration in the United States of America to engage in a direct dialogue with the Islamic Republic of Iran, and Algeria hoped that such a dialogue would result in a mutually beneficial resolution of the crisis relating to Iran’s nuclear programme.

34. Algeria would like to see greater efforts being made to restore confidence in the exclusively peaceful nature of Iran’s nuclear programme, so that the Director General might announce tangible progress in the near future.

35. Mr DAVIDOVIĆ (Bosnia and Herzegovina)* said that, as the only candidate for a non-permanent seat in the UNSC for the period 2010–2012 endorsed by the Eastern Europe Group, his country intended to play a constructive role in resolving the issues related to the nuclear programme of the Islamic Republic of Iran. It was fully committed to the NPT and strongly believed that the implementation of comprehensive safeguards agreements and additional protocols, verified by the Agency, remained the only reliable way of preventing nuclear proliferation.

36. While recognizing Iran’s inalienable right to use nuclear energy for peaceful purposes, Bosnia and Herzegovina believed that Iran should comply with the relevant UNSC resolutions, implement the additional protocol to its NPT safeguards agreement and take all measures requested of it by the Agency. His country, which was supporting the efforts of the EU and the international community in general, hoped that Iran would engage in substantive negotiations with the P5+1 on all outstanding issues.

37. Ms PETERSEN (Bolivarian Republic of Venezuela)* said that her country, which stood by the positions of principle it had adopted on the question under discussion at previous meetings of the Board, was pleased that the Agency had again concluded that there had been no diversion of declared nuclear material in the Islamic Republic of Iran.

38. The completion of the activities foreseen in the work plan agreed upon by the Agency and Iran for resolving outstanding issues had represented a major step in clarifying those issues which had given rise to the opening of the 'Iranian nuclear dossier'. Iran had carried out the activities required of it, with a view to the subject of safeguards in Iran thenceforth being dealt with as a routine matter. However, a small number of Member States had presented the Agency with documents of dubious provenance whose contents exceeded, in her country's opinion, the Agency's statutory mandate. Although a year had passed since then, the Agency had not yet been authorized to provide the documents in question to Iran — a fact that was making it difficult for the Agency to move ahead with its verification work.

39. Venezuela strongly believed that the Agency was still the appropriate technical forum for seeking a peaceful settlement through negotiations with the Iranian authorities. It was therefore opposed to any interference that undermined the Agency's credibility and independence of action. It was particularly opposed to the application of double standards and to the hypocrisy inherent in, on one hand, requiring a country to take measures beyond those foreseen in its safeguards agreement, so as to build confidence in the exclusively peaceful nature of its nuclear programme and, on the other, denying that country access to documentation allegedly containing evidence in support of the charges brought against it. Her country therefore agreed with the Director General that the documentation in question should be handed over to Iran.

40. Venezuela, which was a strong supporter of nuclear non-proliferation and disarmament, looked forward to a peaceful and negotiated settlement of the question under discussion and to the application of safeguards in Iran as a matter of routine.

41. Mr GASHUT (Libyan Arab Republic)* said that his country welcomed the Agency's conclusion that there had been no diversion of declared nuclear material in the Islamic Republic of Iran and that all such material continued to be subject to safeguards. It commended Iran's cooperation with the Agency in that regard and hoped that Iran would continue helping the Agency to address what it considered to be outstanding issues. In that connection, it believed that the Agency should give Iran access to the documentation in its possession relating to questions raised by the Agency.

42. The international community, which should deal equitably with all countries' nuclear programmes, should pressure Israel into placing all its nuclear facilities under Agency safeguards.

43. It was essential to reach a peaceful and negotiated settlement of the issue of Iran's nuclear programme. The parties involved should therefore seek practical solutions that respected the right of countries to use nuclear energy for peaceful purposes, without discrimination and in compliance with the relevant international legal instruments.

44. Ms LISTYOWATI (Indonesia)* said that her country welcomed the progress made by the Agency and Iran in resolving outstanding issues through implementation of the work plan agreed upon by them.

45. The Agency was to be commended for its efforts in verifying the non-diversion of declared nuclear material in Iran. Her country had full confidence in the independence of the Agency as the sole authority with competence to verify the compliance of States with their safeguards obligations.

46. Her country hoped that Iran would continue to cooperate with the Agency in resolving outstanding issues, in the interest of creating an atmosphere conducive to dialogue and negotiation. It was encouraged by the new United States approach based on mutual respect, dialogue and negotiation without preconditions. It was to be hoped that President Obama's offer to engage with Iran would lead to a comprehensive settlement of many security, political and economic issues.

47. Mr SOLTANIEH (Islamic Republic of Iran)*, having expressed appreciation of the continued support of the NAM, said that the issue of safeguards in his country was still on the Board's agenda after six years of the most intrusive inspections in the Agency's history and notwithstanding the Director General's repeated assurances — in over 20 reports to the Board — that there was no evidence of diversion of nuclear materials and activities to prohibited purposes in Iran. The issue was still on the agenda for political reasons, because of pressure exerted by a few countries with hidden motives running counter to the spirit and letter of the Agency's Statute.

48. Those countries were trying to turn the Agency into a 'United Nations watchdog' interfering, through extremely intrusive safeguards, with the national security of most Member States under the pretext of preventing nuclear weapons proliferation, and they were trying to turn the conclusion of an additional protocol — which was a voluntary act — into a mandatory act. One of them, the United States, had proposed the establishment of a committee on the strengthening of safeguards — a move that had failed after two years. They were now politicizing the Agency's technical cooperation activities through discrimination and the imposition of additional restrictions.

49. At the same time, the international community was seriously concerned about non-compliance with Article VI of the NPT, regarding nuclear disarmament, and about violations of Article I, through the transfer of nuclear materials and technology to Israel, the only non-party to the NPT in the Middle East — a graphic illustration of the double standards that were undermining the credibility of the NPT.

50. It was bitterly clear from the Director General's reports on Iran's nuclear programme that the issue was no longer technical, but political. The Director General had rightly reported that the issue was still on the agenda because the United States had not handed over the original of a document on alleged 'studies' to the Agency and had not even permitted the Agency to hand over the copy it possessed to Iran. He had concluded that dialogue with the accusing State was the only solution, since the Agency had already fulfilled its technical mandate under the Statute and Iran's comprehensive safeguards agreement.

51. The issue had first been raised in 2003, with a single technical question regarding the source of contaminating LEU and HEU particles found in Natanz. Iran's response, with a view to clarifying matters, had been cooperative and transparent. After the most intrusive inspection activities in the Agency's history, including swipe sampling, interviews and a thorough review of documents, the Agency had concluded in June 2004 that Iran had been correct in asserting that the contamination did not stem from enrichment work done in Iran but from a foreign source. Nevertheless, the issue had remained on the Board's agendas because of the politically motivated policies and conduct of a small number of States. On the eve of each series of Board meetings, a certain State made new allegations which proved after months of robust inspections to be baseless. A continuation of such chains of events would have a serious impact on the climate of cooperation among Member States and hence on the Agency's credibility. The Director General should therefore declare as soon as possible that the implementation of safeguards in Iran would thenceforth be conducted in a routine manner, as envisaged in the work plan agreed between Iran and the Agency.

52. The Government of the Islamic Republic of Iran would not deprive the nation of its inalienable right to use nuclear energy — and particularly to enrich uranium — for peaceful purposes. At the same time, it would continue to cooperate fully with the Agency in accordance with its obligations under the NPT and its comprehensive safeguards agreement. The Iranian people, backed by a thousand years of civilization and of scientific contributions to humankind, were united on the issue of nuclear energy.

53. Iran strongly believed that the issue of its nuclear programme should be addressed exclusively within the framework of the Agency as the sole pertinent technical organization.

54. Iran had consistently welcomed constructive dialogue, based on mutual respect and without preconditions, in dealing with global and regional challenges, particularly the military nuclear threat to peace and security. Accordingly, those who had announced a change in their foreign policy should translate their words into sincere action and opt for the civilized approach of dialogue instead of persisting with their uncivilized provocative conduct and threatening language, making good their past mistakes.

55. Most Member States also expected to see the announced change in foreign policy reflected in the attitude and conduct of a certain State vis-à-vis the Agency and in rectification of the damage already caused to the Agency's credibility and independence.

56. Responding to comments made during the discussion, he said that the lack of goodwill on the part of some Western countries — including a few Member States of the European Union, the United States and Canada — and their unwillingness to seek a peaceful settlement of the issue under consideration in a spirit of mutual respect had once again been demonstrated by their unbalanced statements. For the past six years they had invariably highlighted a few points, such as the unwillingness of Iran to suspend enrichment activities and its reluctance to ratify the additional protocol to its NPT safeguards agreement, and had failed to make any reference to positive points in the Director General's reports. They should be honest with their own people and the international community by confessing their mistakes. If they had not insisted on preconditions for negotiations, such as the suspension of Iran's enrichment activities, and if they had refrained from their uncivilized and humiliating 'carrot and stick' policy, negotiations based on mutual respect could have been conducted several years ago.

57. The United States was publicizing a drastic change in its foreign policy, but the representative of that country had in his statement failed to identify any change of policy or action vis-à-vis the Agency. All peace-loving peoples should think twice before dealing with such a country.

58. The Member States that he had mentioned were isolating themselves further by totally ignoring more than ten positive points in the Director General's latest report — especially the confirmation by the Agency of the peaceful nature of Iran's nuclear programme, the lack of any evidence of diversion of nuclear material and activities to prohibited purposes and the fact that the Agency could continue its verification activities in Iran without encountering any obstacles. Instead they had repeated past statements, calling for the suspension of legitimate peaceful activities, including uranium enrichment and the production of radioisotopes for use in hospitals. They were playing a dangerous game, jeopardizing the spirit of cooperation that the Agency needed more than ever.

59. His Government had demonstrated its cooperative attitude by stating that, if the Agency declared that the application of safeguards in Iran would thenceforth be a routine matter, as envisaged in the work plan, it was prepared to remove any ambiguity that might exist with regard to the obligations under Iran's comprehensive safeguards agreement.

60. The fact of the matter was that Iran had mastered enrichment technology, it was continuing to engage in nuclear fuel cycle activities — including uranium enrichment — under Agency surveillance, and it would complete the construction of the IR-40 research reactor for radioisotope production. It considered the Security Council resolutions relating to it unjust and legally unfounded, but it was determined to continue cooperating with the Agency in accordance with its comprehensive safeguards agreement.

61. The DIRECTOR GENERAL said, with regard to agenda subitems 5(d) and 5(e), that the Board's current discussions were simply a repetition of discussions that had taken place during the preceding three years. On certain issues the Board had been going around in circles, particularly the issue of verification in the DPRK, whose non-compliance with its safeguards obligations had first

been reported in 1992. If every verification issue took nearly 20 years to clarify, then the Agency was clearly on the wrong track.

62. The DPRK situation had gone from bad to worse, with improvements only when there had been dialogue among parties speaking *with* rather than *at* each other. During times of dialogue, spent fuel in the DPRK had been kept 'frozen' by the Agency, and, as long as the six-party talks had been taking place, progress had been made towards the shutdown and dismantlement of nuclear facilities. When dialogue had stopped, the DPRK had carried out nuclear tests and had announced that it was embarking on a uranium enrichment programme.

63. He had nothing to report on the DPRK nuclear issue since the Agency was not involved in the six-party talks and did not at present have access to nuclear facilities and material in the DPRK. More important than reporting on the DPRK nuclear issue, however, was reflecting on it. There had been a sense of cynicism that the NPT was not being implemented in a balanced way for the nuclear-weapon States and some States not party to the NPT were continuing to place trust in nuclear weapons and the non-nuclear-weapon States party to the NPT were being asked to assume more and more obligations.

64. There was, however, a new glimmer of hope, with the Presidents of the United States of America and the Russian Federation committing themselves to the creation of a world free of nuclear weapons. There was finally a realistic expectation that the NPT would be implemented in a fair manner and that the ultimate non-proliferation goal of nuclear disarmament would be achieved.

65. He hoped that the nuclear-weapon States would have substantially reduced their nuclear arsenals by the time of the 2010 NPT Review Conference. That would — *inter alia* — create an atmosphere favourable to the entry into force of the CTBT and to the conclusion of a fissile material cut-off treaty.

66. There was a change in the air that needed to be reflected within the Agency. Without additional protocols, however, the Agency could not implement credible safeguards, for, as had become clear in 1991 in the case of Iraq, a non-nuclear-weapon State wishing to use nuclear material for military purposes would not use declared nuclear material but undeclared nuclear material involved in a clandestine programme. Yet over a hundred non-nuclear-weapon States still did not have additional protocols in force, and the Agency could do very little without the legal authority that additional protocols provided. Many of those non-nuclear-weapon States were rightly asking why they should cooperate still more closely with the Agency when no move was being made towards nuclear disarmament. He would like to see all States moving in parallel, with the nuclear-weapon States reducing — and eliminating — their nuclear arsenals, and with the non-nuclear-weapon States assuming and fulfilling further obligations.

67. With more and more countries embarking on uranium enrichment and other nuclear fuel cycle activities, he was in favour of multilateralization of the nuclear fuel cycle, for any country with a uranium enrichment or nuclear fuel reprocessing facility could make a nuclear weapon in a few months. Such a security margin was not very reassuring.

68. What the Agency could do depended very much on decisions of the UNSC and on the outcomes of multilateral dialogue. As regards the UNSC, its task was not so much to impose sanctions as to find solutions. As regards multilateral dialogue like the six-party talks, when it ceased things came to a standstill for the Agency. The Agency did not have a magic wand, and in many cases its legal authority was very limited. It therefore had to be extremely careful about what it said — it could not say that a country was 'clean' if it did not have the tools necessary for drawing that conclusion. Events in Iraq had shown how 'jumping the gun' could lead to total disaster. Every statement issued by the Agency went through many drafts because the Agency had to be as objective and impartial as possible.

69. In the case of Iran, for a number of years there had been a confidence deficit due to undeclared enrichment activities, even if they were experimental. Confidence in Iran needed to be restored. The inclusion of an item relating to a particular country in the provisional agenda for a series of Board meetings was not a matter of routine but meant that there were proliferation concerns warranting its inclusion.

70. During the past six years, the Agency had been very active in Iran, and it had made a lot of progress. Many people had criticized the work plan agreed upon by Iran and the Agency as being long-drawn-out, but thanks to it the Agency had clarified the nature and scope of Iran's enrichment activities, and ultimately the UNSC had paid tribute to the work plan. Because of the confidence deficit vis-à-vis Iran, however, the Agency still very much needed to be able to exercise the authority provided by an additional protocol so as to be sure that undeclared nuclear activities were no longer taking place in Iran. The conclusion of an additional protocol was not obligatory, but concluding one was surely the common-sense thing to do.

71. If Iran wanted to build confidence in its nuclear programme, it should also provide requested design information as it had done in the past.

72. The right of Iran to develop a nuclear fuel cycle was not being questioned, but, with the signals now emanating from Washington DC, he would like to see Iran accepting a 'freeze for freeze'. Why was Iran in such a hurry to enrich uranium on an industrial scale? There was no immediate commercial need for it to do so. Iran had demonstrated that it now possessed the necessary technology, but why attract additional sanctions?

73. Negotiations based on the 'freeze-for-freeze' approach should not be limited to the nuclear issue; they should also take in security issues, economic issues and many other issues spanning a period of over 50 years.

74. As regards the alleged studies, the Agency had been able to share information about only some of them with Iran. Those countries in possession of documents containing information about the alleged studies should allow the Agency at least to pass copies on to Iran. The countries in question might be concerned about revealing the sources of such information, but an accused party should be told the substance of the accusation and not be prevented from mounting a defence. That having been said, the information provided to the Agency had raised concerns in the minds of its safeguards inspectors and, although 16 United States intelligence agencies had stated that Iran had abandoned the alleged studies in 2003, the Agency did not know whether that was the case. It was receiving new information from time to time, but it also did not know whether that information was authentic.

75. Iran would benefit greatly from engaging in a substantive dialogue with the Agency on the alleged studies and on the procurement and manufacture of nuclear-related equipment by its military establishment. The Agency, which would be delighted if the information about alleged studies proved not to be authentic, wished simply to establish the facts. The information might prove to be false, as such information had proved to be in the case of Iraq, or it might have some substance. Iran could help by implementing the additional protocol to its NPT safeguards agreement and by providing the Agency with requested facility design information. By failing to provide it with requested facility design information, Iran was not penalizing the Agency — only itself. The more transparent Iran was vis-à-vis the Agency, the more substantive the conclusions that the Agency could draw.

76. The Agency could not afford to continue taking years and years in dealing with each verification issue. The outside world's perception of the nuclear non-proliferation regime was not very good, and people had started to be sceptical about the Agency's safeguards activities.

77. He hoped that a meaningful dialogue with Iran would begin soon, that Iran would make a goodwill gesture and that, with the United States reviewing its approach, it would provide substantive responses to some of Iran's questions. In short, he wanted a 'freeze for freeze'.

78. With regard to the DPRK, there was no solution other than a diplomatic one, arrived at through meaningful dialogue addressing that country's security concerns. Whatever Member States felt about those concerns, they had to be addressed.

79. In his view, nuclear non-proliferation and verification were all about transparency. Without additional protocols in force, the Agency had only very limited authority, and its authority was almost negligible in matters of weaponization.

80. Taking the opportunity to comment on the situation regarding the Syrian Arab Republic, he said that, if Syria wished to prove that the allegations made about it were inaccurate, the best thing it could do was to be fully transparent. The Agency would take every measure possible to protect confidential military and non-military information, as it was ready to do in the case of all countries.

81. He had deplored Israel for not giving the Agency a chance to check on the Syrian facility that it had destroyed before destroying it. Not many Member States had deplored Israel, but he would continue to do so since a very important opportunity had been lost. For its part, however, Syria had an obligation to allow the Agency to verify that the facility had not been a reactor. He hoped that Syria would not continue to be strictly legalistic; if it did, the 'Syrian nuclear issue' would remain a Board agenda item.

82. Besides having very limited authority in many cases, the Agency was short of much-needed technology. Also, it often did not receive satellite images when it requested them. In addition, it was unable to validate environmental sample analyses. Those were all problems undermining the Agency's independence and credibility. He was grateful to the United States for its promised additional extrabudgetary contribution of \$10 million, but he did not understand those Member States which were continuing to insist on zero real Regular Budget growth despite the Secretariat's efforts to achieve savings and efficiency gains. He was not prepared to tell the world that the Agency could deal with issues vital to humankind's survival when he knew that it could not.

83. As to how the Secretariat wrote its reports, that was the Secretariat's business. Member States had entrusted the Department of Safeguards with the task of managing Agency safeguards, and it would continue doing that as impartially and objectively as possible.

84. Looking at the big picture, it was important to recognize that things had not been done in the right way, to learn from the past and to realize that genuine dialogue was the best way.

85. Mr HEINONEN (Deputy Director General for Safeguards) said that all comments made would be studied carefully by the Secretariat. The outstanding issues relating to Iran would not be forgotten, and any progress made in connection with them would be brought to the attention of Member States in technical briefings and reports in a timely manner.

86. Mr SOLTANIEH (Islamic Republic of Iran) said that for two and a half years his country had cooperated fully with the Agency by implementing the additional protocol to its comprehensive safeguards agreement, including Code 3.1 of the Subsidiary Arrangements General Part. It had stopped cooperating only when matters had been referred to the UNSC. Those who had insisted on involving the UNSC had made a historic mistake for which they deserved to be severely blamed. Now was the time to correct that mistake and put things back on track. Only then would Iran reconsider its actions.

87. The CHAIRPERSON, summing up, said that the Board had taken note with appreciation of the Director General's report contained in document GOV/2009/35. It had commended the Director General and the Secretariat for their continuous professional and impartial technical efforts in verifying Iran's nuclear programme.

88. Several members had expressed serious concern that Iran had not provided the necessary cooperation to the Agency and that the Agency was therefore still not in a position to determine the nature of Iran's nuclear programme. In that connection, some members had noted that the Director General's report was similar to previous reports.

89. Several members had noted the Agency's statement that, in order for it to be able to provide assurances regarding the absence of undeclared nuclear material and activities, Iran needed to implement the additional protocol to its NPT safeguards agreement and resolve the outstanding issues that were giving rise to concern about possible military dimensions to its nuclear programme.

90. They had expressed regret about the continued lack of cooperation by Iran in connection with the clarification of those issues and had requested Iran to provide substantive responses regarding them. Several members had urged Iran to provide the Agency with all requested information and with access to the relevant documentation, locations and individuals in order to enable the Agency to clarify the nature of the Iranian nuclear programme. Several members had emphasized that carrying out those actions would be important for building confidence in the peaceful nature of Iran's nuclear programme.

91. Several members had requested the Secretariat to organize, at its earliest convenience, a briefing with an assessment of possible military dimensions to Iran's nuclear programme. The Board had noted the Secretariat's response that there had been no developments to report subsequent to the issuing of the Director General's report. Other members had requested that future reports contain an annex on the matter, or include a comprehensive stocktaking of outstanding issues.

92. Several members had recalled the statement of the Agency that all declared nuclear material in Iran had been accounted for. They had noted that the Agency had not found indications of ongoing reprocessing activities at the declared facilities in Iran.

93. Several members had expressed support for the Director General's request that those States which had provided the Agency with documentation relating to the alleged studies authorize the Agency to share it with Iran. They had cautioned against the creation of obstacles which might hinder the Agency's verification process in that regard.

94. A view had been expressed that several members had not acknowledged the positive aspects in the Director General's report, regarding the fact that the Agency had not detected the actual use of nuclear material for military purposes.

95. Several members had stated that, given that fact and also the information provided in the Director General's report about Iran's implementation of the work plan, they looked forward to safeguards implementation in Iran being conducted in a routine manner.

96. Several members had expressed concern that no progress had been made regarding the Agency's request to Iran that it reconsider its decision to suspend the implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part, and they had underlined that the Subsidiary Arrangements could not be suspended or amended unilaterally. They had called on Iran to reconsider its decision. They had deplored the fact that Iran had continued to object to the Agency's carrying out design information verification at the Iran Nuclear Research Reactor (IR-40), and that it had not provided design information relating to the nuclear facility that Iran intended to construct in

Darkhovin, which they had stressed was not consistent with the obligations of Iran under its safeguards agreement.

97. Several members had expressed serious concern that Iran had not complied with the previous requests of the Board and the obligations established by the UNSC in resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008), and that, on the contrary, Iran was further increasing its enrichment capacities and capabilities and working on HWR-related projects. They had urged Iran to implement the measures called for in those resolutions.

98. Several members had emphasized that the Agency was the sole competent authority for nuclear verification in connection with the NPT and that it should continue its work on resolving the Iranian nuclear issue.

99. Several members had expressed concern that Iran was the only country that was building and would possibly operate a nuclear power plant without being party to the relevant nuclear safety and security conventions.

100. Members had reaffirmed the basic and inalienable right of all Member States to develop nuclear energy for peaceful purposes in conformity with their respective legal obligations.

101. Several members had emphasized the distinction between voluntary confidence-building measures and legally binding safeguards obligations. They had also reiterated their support for the establishment of an NWFZ in the Middle East and had expressed the view that addressing the Iranian nuclear issue should not be seen in isolation from efforts exerted to that end. They had stated that any attack or threat of attack against peaceful nuclear facilities would pose a great danger and constitute a grave violation of international law.

102. They had expressed their rejection of any undue pressure on or interference in the activities of the Agency, especially its verification activities, which could jeopardize its efficiency and credibility, and had reiterated their full confidence in the impartiality and professionalism of the Secretariat and the Director General.

103. The continued need for substantive and comprehensive negotiations and dialogue among all relevant parties and covering all relevant issues, as stressed by the UNSC, had been emphasized as the way to reach a long-term solution of the Iranian nuclear issue, and all Member States had been encouraged to contribute positively to the efforts to reach such a solution. Several members had expressed the view that all parties concerned should avoid exerting undue pressure that could put at risk the process of constructive negotiation among them.

104. Several members had welcomed the development by the international community of a fresh approach to the establishment of a dialogue with Iran. They had called on Iran to consider positively the offer made by the six parties concerned. In that regard, several members had noted the Director General's proposal of a 'freeze for freeze' as a prelude to such dialogue.

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

106. The Board had noted the Director General's comments and the responses of the Secretariat to points raised.

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

108. The CHAIRPERSON took it that the Board agreed that the report of the Director General contained in document GOV/2009/35 might be made public.

109. It was so decided.

The meeting was suspended at 5:00 p.m. and resumed at 5:15 p.m.

**(f) Implementation of the NPT safeguards agreement in the Syrian Arab Republic
(GOV/2009/36)**

110. The CHAIRPERSON, drawing attention to the report contained in document GOV/2009/36, recalled that a technical briefing on it had been held by the Secretariat for Member States on 10 June 2009.

111. Mr FAWZY (Egypt), speaking on behalf of NAM, said that, when considering the issue now before the Board, it was essential to take account of the way in which that issue had first been brought to the Agency's attention. As recognized in November 2008 in the Director General's report contained in document 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 the late provision by some Member States of information about the building at the Dair Alzour site.

112. The final declaration adopted at the Ministerial Meeting of the NAM Coordinating Bureau held in Havana in April 2009 had contained the following passage: "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 September 2007, which constituted a flagrant violation of the UN Charter. The Ministers welcomed Syria's cooperation with the Agency in this regard."

113. NAM noted the reiterated statement of Syria that the destroyed facility at the Dair Alzour site had been a military facility and the present facility there was also a military facility. NAM also noted that Syria had provided information in response to the questions raised by the Secretariat and that the information was being assessed by the Secretariat.

114. Certain elements in the report now under consideration related to the routine implementation of safeguards and, in NAM's view, should therefore have been dealt with in the SIR for 2008. It was important to keep routine safeguards implementation issues separate from issues relating to the ongoing verification of allegations about the destroyed facility.

115. The Secretariat should refrain from requesting Member States to provide information or take measures that went beyond the obligations arising out of their safeguards agreements.

116. NAM, which had full confidence in the professionalism and impartiality of the Secretariat under the Director General's leadership, believed very strongly that Member States should not exert undue pressure on the Agency or interfere in its activities, especially its verification activities, and thereby jeopardize its efficiency and credibility.

117. Mr POČUCH (Czech Republic)*, speaking on behalf of the EU, said that 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, the EFTA countries Iceland and Norway, members of the European Economic Area, and Ukraine, the Republic of Moldova and Georgia associated themselves with the statement that he was about to make.

118. The EU was grateful for the continuing professionalism and impartiality of the Director General and the Secretariat in carrying out verification activities in the Syrian Arab Republic and for the technical briefing on the report contained in GOV/2009/36 organized by the Department of Safeguards.

119. The EU, recalling that in November 2008 the Director General had stated that features of the destroyed facility at the Dair Alzour site were similar to what might be found at a reactor site, was deeply concerned that, as mentioned in the Director General's latest report, the information provided by Syria to date did not adequately support its assertions about the Dair Alzour site and had not enabled the Agency to determine the nature of the destroyed facility. It regretted that the origin of the anthropogenic natural uranium particles found at the site was still unexplained and had noted the Agency's assessment that there was only a low probability that the particles had been introduced by the missiles used to destroy the facility.

120. The EU was also concerned that further anthropogenic natural uranium particles had been found in environmental samples taken in August 2008 from hot cells and associated equipment at the Miniature Neutron Source Reactor (MNSR) facility in Damascus. It agreed that the existence of a possible connection between those particles and the particles found at the Dair Alzour site required a "further analysis by the Agency", particularly as the two sets of uranium particles were of a type not included in Syria's declared inventory of nuclear material.

121. There was clearly a possibility that Syria had not declared all its nuclear installations, which called into question the completeness and correctness of the declarations made by it pursuant to its comprehensive safeguards agreement.

122. According to the Director General's latest report, Syria had provided explanations relating to the alleged activities of a DPRK import/export company with an office in Syria and to cooperation between Syrian and DPRK nuclear scientists that were now being assessed. Also, Syria had provided some additional explanations regarding alleged efforts by Syrian entities to procure materials and equipment that could support the construction and operation of a nuclear reactor. On the basis of the information provided so far by Syria, however, the Agency was not in a position to confirm those explanations.

123. The EU agreed with the Director General that Syria needed to be more cooperative and transparent. It was essential that Syria provide the Agency at an early date with the further clarifications requested and supporting documentation relating to the nature and functions of the destroyed and the present installations at the Dair Alzour site, additional information about procurement activities, further access to the Dair Alzour site (including the water treatment plant) and access to other locations allegedly related to the Dair Alzour site for the sampling of destroyed and salvaged equipment and of debris.

124. The EU had noted that, as stated in the Director General's latest report, the Agency had offered to share with Syria all of its satellite imagery, and imagery provided by other Member States, but Syria had so far declined to accept its offer.

125. In order to enable the Agency to verify the absence of undeclared nuclear materials and activities within its territory, Syria should bring an additional protocol to its NPT safeguards agreement into force as soon as possible.

126. The EU had always fully endorsed the activities of the Agency in looking into allegations of proliferation by non-nuclear-weapon States party to the NPT and reporting on its findings in accordance with the Statute. Any obstacles created by unnecessary delays or a lack of cooperation on the part of the States in question adversely affected the exercise by the Agency of its responsibilities

under the NPT and undermined the credibility of Agency safeguards. Such cases, therefore, deserved very close attention.

127. Syria should collaborate fully with the Agency in clarifying the remaining questions about the nature of the activities at the Dair Alzour site.

128. The EU, which looked forward to the Director General's reporting to the Board in September, hoped that by then progress would have been made towards an early resolution of the issue now under consideration.

129. Ms DONNA RABALLO (Argentina) said that her country shared the view of the Director General about the need to fully explain the presence of anthropogenic natural uranium particles at the Dair Azour site and to learn more about certain procurement activities. Argentina therefore considered it important that Syria provide the Agency with additional information and supporting documentation and grant access to locations that might be connected with the Dair Alzour site. Those measures, in conjunction with the sampling of destroyed and salvaged equipment and of debris, were essential for the completion by the Agency of its assessment.

130. Argentina hoped that the Director General and the Secretariat would continue to act with the professionalism displayed by them to date so that the situation now under consideration might be clarified soon.

131. Mr SALAM (Malaysia) said that the Agency was the sole competent authority for the verification of compliance by States with their safeguards obligations, and Member States should therefore not interfere with the verification activities of the Agency. Also, Member States should adhere to the basic principles of international law and to the principles enshrined in the Charter of the United Nations and the Agency's Statute and not take unilateral action.

132. Malaysia condemned the act of aggression committed in September 2007 by Israel, a non-party to the NPT, against a facility within the territory of Syria, an NPT party. That act of aggression had been a flagrant violation of the Charter of the United Nations. Strangely, however, except for NAM members, no Agency Member States had condemned it. Malaysia believed that the Israeli act of aggression should not be condoned by the international community.

133. His country would like to see Syria continuing to be flexible and transparent in its cooperation with the Agency. At the same time, however, it believed that for reasons of national security the sovereign rights of States must be respected and that States should be required to comply only with the obligations arising out of their comprehensive safeguards agreements.

134. As to Israel, it should cooperate more fully with the Agency, providing requested information relevant to Syria's claims regarding the origin of the anthropogenic natural uranium particles.

135. It was important that the Agency keep open its lines of communication with Syria and, at the same time, that Member States not exert undue pressure on the Agency and interfere with the ongoing verification activities in Syria.

136. Mr ALSHARIA (Iraq) said that the States party to the NPT undertook to cooperate in facilitating the application of Agency safeguards and that, in accordance with the Charter of the United Nations, all States should refrain from using and threatening to use force against another State. His country would like the issue of nuclear non-proliferation in the Middle East to be considered with that in mind. Israel was the only State in that region which, regardless of appeals from the international community, had not acceded to the NPT. The fact that its nuclear facilities were not all subject to Agency safeguards had created a dangerous imbalance in the region—a problem that the international community had a responsibility to solve.

137. As regards the credibility of the Agency in that connection, it was important that confidential information provided to the Board by the Director General not be made available to the media without prior Board authorization.

138. Ms GERVAIS-VIDRICAIRE (Canada), having commended the Secretariat for its professionalism and thanked it for organizing a technical briefing on the report now under consideration, said that her country was still concerned about revelations that pointed to possible undeclared nuclear material, facilities and activities in Syria and also about possible nuclear cooperation between Syria and the DPRK. In particular, it was concerned about the anthropogenic natural uranium particles found at the Dair Alzour site, which were of a type not included in Syria's declared inventory of nuclear material and which were — according to the Agency — unlikely to have been introduced by uranium-based munitions. In addition, it remained concerned that — as stated in the report presented in November 2008 by the Director General in document GOV/2008/60 — the features of the destroyed building at the Dair Alzour site, along with the connectivity of the site to adequate cooling water pumping capacity, were similar to what might be found in connection with a reactor site. Her delegation had noted that, on the basis of the information currently available to it, the Agency was not in a position to confirm the explanation provided by Syria regarding the procurement by Syrian entities of materials and equipment which could support the construction and operation of a nuclear reactor.

139. The Secretariat had previously stated that its findings were not inconsistent with the existence of a reactor at the Dair Alzour site. In her delegation's view, they tended to confirm that such an undeclared facility had in fact existed there.

140. Despite the efforts of the Agency to obtain further clarifications, the information provided by Syria to date did not adequately support its assertions about the nature of the Dair Alzour site, and Canada was therefore strongly in favour of a continuation of those efforts. While recognizing the difficulties encountered by the Agency in conducting its investigations, due to the physical conditions at the Dair Alzour site, Canada was conscious of the very serious potential proliferation threat that would be posed by an undeclared nuclear reactor of the kind that appeared to have existed at the site.

141. Syria should provide, at an early date, the additional information and access requested by the Agency in order that the Agency might complete its assessment.

142. According to the Director General's latest report, the results of routine environmental sampling at the Miniature Neutron Source Reactor facility in Damascus had revealed the presence there also of anthropogenic natural uranium particles of a type not declared. That finding only further underlined the need for Syria to cooperate fully and transparently with the Agency in order to restore confidence in the peaceful nature of its nuclear programme.

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

144. Given the broad interest in the issue and the importance of transparency, Canada would like the report contained in document GOV/2009/36 to be made public.

145. Mr BERDENNIKOV (Russian Federation) said that the efforts of the Agency to clarify the issues relating to the destroyed facility at the Dair Alzour site should continue in a calm and professional manner, without undue haste and without politicization.

146. It was important to clarify the issue of the possible sources of the anthropogenic natural uranium particles detected by the Agency's inspectors in Syria. The detection of such particles was not in itself proof that the destroyed facility had been a nuclear facility, but an explanation was required.

147. Russia agreed with the Director General that Syria should be transparent and cooperate fully with the Agency in the interests of early confirmation of its explanations regarding the purpose of the destroyed facility.

148. His country, which had noted the Director General's request to Israel that it provide the Agency with the information which had led it to use force against the Syrian facility without giving the Agency the opportunity to verify its nature before it was destroyed, would like to know why there had been such a long delay in informing the Agency about its destruction. Also, it would like to see all other States with relevant information about the destroyed facility making that information available to the Agency and authorizing the Agency to pass it on to Syria.

149. Mr SHANNON (Australia) said that the Agency was to be commended for its continuing efforts to engage in substantive discussions with Syria, and particularly for its offer to share with Syria all of its satellite imagery and the satellite imagery provided by other Member States and for its readiness to work out with Syria modalities for managed access which would enable Syria to protect sensitive and confidential information. It was regrettable that Syria had not yet accepted the Agency's offer.

150. Syria should provide the Agency with the requested information, clarifications and supporting documentation relating to the past use and nature of the installations at the Dair Alzour site, to the three other locations allegedly related to that site, to procurement activities, and to the origin of the anthropogenic natural uranium particles found in environmental samples taken at the site and those discovered at the Miniature Neutron Source Reactor facility in Damascus.

151. Until Syria cooperated with the Agency and responded positively to requests for access to relevant information and sites, there could be no confidence that Syria's intentions had been exclusively peaceful. Syria would do well to bring an additional protocol to its NPT safeguards agreement into force at the earliest possible date.

152. The Director General should continue to report to the Board on the implementation of safeguards in Syria and, in the interests of transparency, the Director General's report in document GOV/2009/36 should be made available to the public.

153. Mr FAWZY (Egypt) said that his country, which had taken note of the ongoing exchange of letters between Syria and the Agency as reflected in the Director General's latest report, would like the two parties to cooperate fully within the context of their respective legal obligations, with a view to the early resolution of the issue now before the Board. Egypt had also taken note of the fact that the Director General had called on Israel to cooperate with the Agency in its investigation and on other States that might possess relevant information to make it available to the Agency and agree to its being shared with Syria.

154. Egypt was still concerned about the blurring of the necessary distinction between what was a legal obligation of a State and what was not. For safeguards to be effective, they should be applied within a context of clearly defined rights and obligations. Also, they should be based on solid evidence rather than on information that could not be independently verified and on speculation.

155. His country continued to be of the opinion that the manner in which the issue now under consideration had been brought to the Agency's attention was unacceptable and reflected some Member States' complete lack of confidence in and respect for the Agency. By not clearly condemning the destruction of the Dair Alzour facility by Israel as a serious violation of international law and of the Charter of the United Nations that had severely undermined the ability of the Agency to carry out the mandate entrusted to it, those States were sending an implicit message to the international community that they condoned such behaviour. That would clearly not serve the cause of safeguards in the future.

156. Egypt did not believe that the report contained in document GOV/2009/36 should be made available to the public. In its view, the request for publication had been politically motivated and publication would not be in keeping with the Agency's technical mandate.

157. Ms MACMILLAN (New Zealand) said that her country regretted the fact that the Agency could report no progress with regard to the outstanding questions discussed at the Board's previous series of meetings, including the question of the discovery at the Dair Alzour site of anthropogenic natural uranium particles of a type not included in Syria's declared inventory of nuclear material and unlikely to have been introduced by the missiles that had destroyed the facility at that site.

158. New Zealand, which had noted the Agency's conclusion that the information provided by Syria to date did not adequately support its assertions about the nature of the Dair Alzour site, would like Syria to be more transparent and more cooperative as regards the provision of information and access to the Agency.

159. New Zealand was deeply concerned that the Agency had found anthropogenic natural uranium particles also in environmental samples taken in 2008 from the hot cells of the Miniature Neutron Source Reactor facility in Damascus, and it had noted the Agency's assessment that, like the particles found at Dair Alzour, those particles were of a type not included in Syria's declared inventory of nuclear material. Syria had yet to explain the presence of the particles found at the Damascus facility. It was looking forward to Syria's explanation, and also to further analysis by the Agency of the possible connection between those particles and the ones found at the Dair Alzour site.

160. Given the significance of the questions that were still unanswered, the Board should remain seized of the issue and the Director General should report to it again at its next series of meetings.

161. In the meantime, Syria should respond positively to the Agency's expression of readiness to work out modalities for managed access that would enable Syria to protect sensitive and confidential information that was not relevant to the Agency's mandate.

162. New Zealand believed that the report contained in document GOV/2009/36 should be made public.

163. Mr PYATT (United States of America) said that Syria's continuing refusal to cooperate with the Agency remained a matter of serious concern to his country and should be a matter of serious concern to all supporters of the Agency's safeguards system and the international non-proliferation regime. As the Director General had said in his introductory statement, a new era of arms control had hopefully begun, but much would depend on the Agency being able to demonstrably meet the verification challenges before it.

164. His country, which commended the professionalism displayed by the Secretariat in pursuing the technical investigation in Syria, hoped that future reports by the Director General would reflect a decision by Syria to change course and provide the Agency with a full account of its nuclear programme, and especially of any undeclared nuclear activities.

165. Over a year had passed since the Agency had begun investigating Syria's clandestine nuclear activities related to the destroyed reactor at Dair Alzour. Regrettably, Syria had not used that time to resolve the outstanding issues regarding the reactor and associated facilities. Instead, it had chosen to hinder the Agency's efforts — by refusing to grant inspectors the access that the Agency deemed essential in order to perform its verification mission; by failing to provide information and supporting documentation about the destroyed facility at Dair Alzour; by failing to answer the Agency's questions about nuclear-related procurement efforts; and, of greatest concern, by taking steps to sanitize three additional suspected nuclear-related sites upon receiving the Agency's request for access.

166. As noted in the Director General's most recent report, the Agency had since May 2008 been seeking to hold substantive discussions with Syria on those issues, and it had even offered to share all of its satellite imagery with Syria, but regrettably Syria had so far rebuffed the Agency's offer.

167. Owing to Syria's non-cooperation, the Agency had yet to obtain answers to many of its questions about the Dair Alzour facility; in fact, the list of questions was growing. The United States had noted with concern that anthropogenic natural uranium particles had been detected at a second location, the Miniature Neutron Source Reactor facility under Agency safeguards in Damascus, and that, like the particles previously detected at the Dair Alzour site, they were of a type not included in Syria's declared inventory of nuclear material. Regrettably, Syria's response of 1 June 2009 to the Agency's request for an explanation had been no more forthcoming than its responses to other Agency requests.

168. Syria should without further delay cooperate fully with the Agency by addressing all unresolved issues, including that of the presence of the undeclared anthropogenic natural uranium particles detected at the Dair Alzour site and at the Miniature Neutron Source Reactor facility. The Agency needed to know why such undeclared material had been detected at two facilities in Syria, one of which had been constructed clandestinely.

169. Given the gravity of the matter, the United States would like all other Board members to join it in demanding that Syria without further delay cooperate fully with the Agency by granting the access to information, debris and sites deemed necessary by the Agency for the completion of its assessment. In his latest report to the Board, the Director General had stated that, in order for the Agency to complete its assessment, Syria needed to be more cooperative and transparent. Greater cooperation and transparency would go a long way to assuring the international community of Syria's peaceful intentions.

170. The existence of undeclared nuclear facilities in Syria and Syria's refusal thus far to cooperate with the Agency in its investigation further underlined the limitations on the ability of the Agency to fulfil its safeguards mission in a country with a comprehensive safeguards agreement but without an additional protocol. Evasiveness of the kind displayed by Syria had led the international community to develop the Model Additional Protocol — a tool enabling inspectors to provide assurances that a country's declaration was not only correct, but also complete, and its nuclear programme was therefore exclusively for peaceful purposes. Syria and all other States that had not yet brought an additional protocol into force should do so without further delay.

171. In the interests of transparency, his delegation would like the Director General's reports on "Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic" to be made available to the public, as the existence of undeclared nuclear activities was a matter of international concern.

172. Mr MARFURT (Switzerland) said that the Director General's latest report shed hardly any additional light on the issue under consideration. If anything, the situation had become more complicated. In his report, the Director General stated that the information provided by Syria to date did not satisfactorily support its assertions about the nature of the Dair Alzour site. Also, further questions had arisen as a result of the detection of uranium particles of a type not declared by Syria at its Miniature Neutron Source Reactor facility.

173. Some aspects of the issue under consideration were connected with the general problem of the Middle East, but Syria still had an obligation to cooperate fully and proactively with the Agency.

174. Switzerland would like those States which had relevant information to pass it on to the Agency and allow the Agency to use it as it deemed fit.

The meeting rose at 6.05 p.m.