

IAEA Board of Governors

Record of the 1252th Meeting
GOV/OR.1252

Nuclear Verification

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

Board of Governors

GOV/OR.1252

Issued: November 2009

Restricted Distribution

Original: English

For official use only

Record of the 1252nd Meeting

Held at Headquarters, Vienna, on Wednesday, 9 September 2009, at 10.15 a.m.

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¹ GOV/2009/67.

Attendance

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

Ms FEROUKHI	Chairperson (Algeria)
Mr SHOOGUFAN	Afghanistan
Mr GALANXHI	Albania
Mr KHELIFI	Algeria
Mr CURIA	Argentina
Mr POTTS	Australia
Mr VALLIM GUERREIRO	Brazil
Mr SOULAMA	Burkina Faso
Mr BARRETT	Canada
Mr HU Xiaodi	China
Ms GOICOCHEA ESTENOZ	Cuba
Mr GARCÉS-BURBANO	Ecuador
Mr FAWZY	Egypt
Ms RASI	Finland
Mr MONDOLONI	France
Mr LÜDEKING	Germany
Ms AMOAH	Ghana
Mr KUMAR	India
Mr AL-JANABY	Iraq
Mr COGAN	Ireland
Mr NAKANE	Japan
Ms GREIČIUVIENĖ	Lithuania
Mr ARSHAD	Malaysia
Mr CANCHOLA GUTIERREZ	Mexico
Ms MACMILLAN	New Zealand
Ms RIVERA	Philippines
Mr FERUTĂ	Romania
Mr BERDENNIKOV	Russian Federation
Mr AL-TAIFI	Saudi Arabia
Mr MINTY	South Africa
Mr ROSELLÓ SERRA	Spain
Mr MARFURT	Switzerland
Mr FIDAN	Turkey
Mr SMITH	United Kingdom of Great Britain and Northern Ireland
Mr DAVIES	United States of America
Mr BARROS OREIRO	Uruguay
Mr ELBARADEI	Director General
Mr ANING	Secretary of the Board

Representatives of the following Member States also attended the meeting:

Angola, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Greece, Holy See, Hungary, Indonesia, Islamic Republic of Iran, Israel, Italy, Jordan, Kazakhstan, Republic of Korea, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malta, Monaco, Mongolia, Montenegro, Morocco, Namibia, Netherlands, Nigeria, Norway, Oman, Pakistan, Peru, Poland, Portugal, Qatar, Serbia, Singapore, Slovenia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, The Former Yugoslav Republic of Macedonia, Tunisia, Ukraine, United Arab Emirates, Bolivarian Republic of Venezuela, Yemen and Zimbabwe.

Abbreviations used in this record:

DIQ	design information questionnaire
DIV	design information verification
DPRK	Democratic People's Republic of Korea
EFTA	European Free Trade Association
EU	European Union
FEP	Fuel Enrichment Plant
FMP	Fuel Manufacturing Plant
LEU	low-enriched uranium
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	nuclear-weapon-free zone
Pelindaba Treaty	African Nuclear-Weapon-Free Zone Treaty
PFEP	Pilot Fuel Enrichment Plant
PIV	Physical inventory verification
R&D	research and development
UCF	Uranium Conversion Facility

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

6. Nuclear verification

(d) 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/2009/55)

1. Mr FAWZY (Egypt), speaking on behalf of NAM, reaffirmed the basic and inalienable right of all States to develop research, produce and use atomic energy for peaceful purposes without discrimination and in conformity with their respective legal obligations. Nothing should be interpreted in a manner that would inhibit or restrict their right to develop atomic energy for peaceful purposes. States' choices and decisions, including those of the Islamic Republic of Iran, relating to peaceful uses of nuclear technology and fuel cycle policies must be respected.
2. NAM recognized the Agency as the sole competent authority for verification of Member States' safeguards obligations. There should be no undue pressure on the Agency or interference with its activities, particularly the verification process, that would jeopardize its efficiency and credibility.
3. Furthermore, NAM emphasized the fundamental distinction between States' legal obligations under their respective safeguards agreements and confidence-building measures undertaken voluntarily.
4. NAM regarded the establishment of a NWFZ 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 General Assembly and Security Council resolutions.
5. Reaffirming the inviolability of peaceful nuclear activities, he said that any attack or threat of attack against peaceful nuclear facilities that were either operational or under construction not only posed a serious threat to human beings and the environment, but also constituted a grave violation of international law, the principles and purposes of the United Nations Charter and Agency regulations. NAM recognized the need for a comprehensive, multilaterally negotiated instrument prohibiting attacks or threats of attacks on facilities devoted to peaceful uses of nuclear energy.
6. NAM strongly believed that all safeguards and verification issues, including those related to Iran, should be resolved within the framework of the Agency on the basis of technical and legal factors. NAM further emphasized that the Agency should continue its work to resolve the Iranian nuclear issue pursuant to its mandate under the Statute. Diplomacy, peaceful dialogue and substantive negotiations among the concerned parties without any preconditions must serve as the means for reaching a comprehensive and lasting solution to the Iranian nuclear issue.
7. According to the Director General, the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran. NAM welcomed the increased cooperation between the Agency and Iran, as reflected in the Director General's report. In particular, Iran and the Agency had agreed on improvements to the containment and surveillance measures at the FEP, which had been put in place on 12 August 2009 so that the Agency could continue to fully meet its safeguards objectives for the facility. Iran and the Agency had also agreed on improvements regarding the provision of accounting and operating records, and on the requirements for timely access for unannounced inspections.

8. Activities related to the production of nuclear material, and enrichment in particular, remained subject to Agency containment and surveillance, and the results of the environmental samples taken at the FEP in Natanz and the PFEP indicated that the plants had been operating as declared. Since the last report, the Agency had successfully conducted 3 unannounced inspections. A total of 29 unannounced inspections had been conducted at the FEP since March 2007.

9. The Agency had continued to monitor the use and construction of hot cells at the relevant nuclear facilities in Iran and there had been no indications of ongoing reprocessing related activities at those facilities.

10. Iran had submitted an updated DIQ for the FMP, and the Agency had conducted both a PIV and a DIV at the FMP. Also, Iran had given the Agency access to the IR-40 heavy water reactor at Arak and the Agency had carried out a DIV there.

11. The Agency had concluded that the inventory of nuclear material at the UCF, as declared by Iran, was consistent with the results of the PIV carried out there. The Agency had also conducted a DIV at the UCF and confirmed that the facility conformed to the design information provided by Iran.

12. NAM fully supported the Director General's repeated requests to Member States that had provided the Secretariat with information concerning the alleged studies to allow the Agency to provide all related documents to Iran. NAM once again expressed concern at the creation of obstacles in that regard, which hindered the Agency's verification process. As reported by the Director General, the Agency had limited means to authenticate independently the documentation that formed the basis of the alleged studies and the constraints placed by some Member States on Iran's access to information were making it more difficult for the Agency to conduct detailed discussions with Iran on the matter.

13. The Movement reiterated its rejection of unsubstantiated allegations by a Member State against the Director General and of interference with the conduct of the Agency's work in violation of the provisions of Article VII.F of the Statute. NAM reaffirmed its confidence in the professionalism and impartiality of the Director General and the Secretariat.

14. In the light of recent developments and the Director General's previous reports on implementation of the work plan contained in document INFCIRC/711, NAM looked forward to the implementation of safeguards in Iran in a routine manner.

15. NAM reiterated its principled position that diplomacy and dialogue were the only way to bring about a long-term solution to outstanding nuclear issues in Iran and encouraged all Member States to contribute positively to that end.

16. Mr LUNDBORG (Sweden)*, speaking on behalf of the EU, the candidate countries Croatia and the former Yugoslav Republic of Macedonia², the countries of the Stabilisation and Association process and potential candidates Albania, Bosnia and Herzegovina and Montenegro, the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, said that the EU commended the Director General and the Secretariat on their continuing efforts to seek clarifications from Iran and to verify its nuclear programme. The EU strongly supported a further deepening of the Agency's analysis of all information available to it.

² Croatia and the Former Yugoslav Republic of Macedonia continued to be part of the Stabilisation and Association Process.

17. According to the Director General's report, the Agency had been able to verify the non-diversion of declared nuclear material in Iran during the period in question. Moreover, safeguards measures at the FEP at Natanz had recently been improved and a further visit to the IR-40 reactor at Arak for a DIV, as required under Iran's comprehensive safeguards agreement, had finally taken place. While those developments were welcome, they were long overdue, since it had taken months for Iran to agree to the improved monitoring at Natanz and 12 months to allow the Agency access to the IR-40 reactor.

18. The EU strongly regretted the fact that the Agency remained unable to give assurances regarding the exclusively peaceful nature of Iran's nuclear programme. The situation remained highly unsatisfactory. The fact that Iran still refused to meet the requirements of the Security Council and the Board of Governors was a matter of serious concern for the international community. It had failed to suspend its enrichment related activities and heavy water projects in line with Security Council resolutions and to implement the additional protocol.

19. It was also a matter of serious concern that Iran was the only State with significant nuclear activities that had a comprehensive safeguards agreement in force but was not implementing the provisions of the revised Code 3.1.

20. Another serious concern was that Iran refused to cooperate with the Agency and give substantive answers to questions aimed at clarifying the possible military dimensions of its nuclear programme. The EU commended the Agency on the analysis of those dimensions contained in section E of the report. It would continue to be important for the Secretariat to share its independent assessment with the Board so that the latter could evaluate the situation and take adequate decisions. The EU was deeply concerned about Iran's failure to provide the substantial explanation that the Agency had requested of activities in the areas of, inter alia, high explosives, the green salt project and re-entry vehicle studies.

21. Iran's refusal to cooperate with the Agency constituted a breach of its mandatory obligations under the NPT, its safeguards agreement and Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008). The EU had for years been urging Iran to comply with its international obligations in order to restore confidence in the exclusively peaceful nature of its nuclear activities. To that end, Iran should suspend its enrichment activities, implement the additional protocol, pending its ratification, and provide the Agency with all the information and cooperation it requested.

22. The EU commended the Director General and the Secretariat on their impartial efforts to verify Iran's safeguards obligations and urged Iran to cooperate fully and transparently with the Agency.

23. The EU reaffirmed its continuous support for efforts to find a negotiated long-term solution to the Iranian nuclear issue. It strongly urged Iran to enter into direct talks and accept the invitation from China, France, Germany, the Russian Federation, the United Kingdom and the United States of America, supported by the EU High Representative, to engage without delay in negotiations in order to find a diplomatic solution to the current crisis.

24. Mr CURIA (Argentina) commended the dedicated professionalism and impartiality displayed by the Secretariat and the Director General in dealing with the item under discussion. Argentina concurred with the Director General's overall assessment and shared his concern at the lack of substantive progress with respect to the alleged studies and other outstanding issues. It was essential for Iran to cooperate actively by providing all relevant information regarding its former and current nuclear programme and by giving the Agency access to documents and persons in order to back up its statements.

25. Argentina noted with serious concern that Iran had violated Security Council resolutions by failing to suspend its enrichment activities or work on heavy water projects, including the building and production of fuel for the IR-40 reactor. Moreover, Iran had failed to comply with the requests of the Board of Governors and the Security Council to implement the additional protocol and it had not provided access, as a transparency measure, to other locations related, inter alia, to the production of centrifuges, and to research and development activities pertaining to uranium enrichment and uranium extraction and processing.

26. Argentina again urged Iran to take all the necessary steps to build confidence in the peaceful nature of its nuclear programme, including implementation of the additional protocol, so that the Agency could provide credible guarantees about the absence of undeclared nuclear material and activities in Iran.

27. Mr VALLIM GUERREIRO (Brazil) expressed his country's full confidence in the impartiality and professionalism of the Director General and the Secretariat.

28. It was clear from the Director General's report that the Board was not making headway with respect to Iran's current nuclear activities. Iran and the Director General must continue to seek a way out of the impasse so that the peaceful nature of Iran's nuclear programme could be ascertained. Building confidence was essential for all the actors involved. Brazil therefore believed that access by Iran to information provided to the Agency by Member States would constitute a positive step. Improved dialogue was a prerequisite for progress on the issue by the international community.

29. Mr LÜDEKING (Germany), speaking on behalf of France, Germany and the United Kingdom, said that the Director General's report testified to the fact that there continued to be substantial issues that urgently needed to be clarified in order to establish the nature of the Iranian nuclear programme.

30. The list of Iranian failures remained a serious concern. It was still failing to comply with its legally binding obligations under Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) and it continued to disrespect the requirements of the Board and its safeguards obligations.

31. The Director General's report placed special emphasis on questions aimed at clarifying possible military dimensions of Iran's nuclear programme. He welcomed the fact that the Director General had again unambiguously set out the substantive nature of the information available to the Secretariat. The questions raised were clearly serious and required serious answers from Iran. Iran had been provided with sufficient access to the documentation available to the Agency to respond substantively to the questions raised. Moreover, it could do so without compromising its national security concerns.

32. Against the background of the available evidence, it was inexcusable for Iran to continue to refuse any degree of transparency or cooperation in clarifying outstanding issues. Its attitude reinforced doubts relating to the nature of its nuclear programme. Those doubts would not go away unless Iran was ready to address them squarely. The States on behalf of which he spoke encouraged the Agency to continue actively to pursue its investigations and to report comprehensively to the Board on the matter.

33. He noted that Iran had cooperated with the Agency in improving safeguards measures in Natanz and in providing access to the IR-40 reactor construction site in Arak. At the same time, Iran was the only State with significant nuclear activities that was not implementing the provisions of the revised Code 3.1. He called on Iran to comply without qualification with its safeguards obligations, to implement the provisions of the revised Code 3.1 and to submit the required design information on the nuclear research reactor under construction in Arak.

34. It was crucially important for Iran to implement the additional protocol. As the Director General had noted in his introductory statement, the Agency would not be able, in the absence of the protocol, to provide credible assurances about the absence of undeclared nuclear activities in Iran, especially given Iran's past record of failing to declare material and activities.

35. It was within Iran's power to overcome the current profoundly unsatisfactory situation. It must address the lack of confidence in the exclusively peaceful nature of its nuclear programme, thereby building instead of reducing confidence. He urged Iran to cooperate fully with the Agency, fulfil without delay the requirements of the Board and comply with the resolutions of the Security Council.

36. Effective multilateralism presupposed that countries not only sought recognition of rights but were also prepared fully to live up to their obligations. While Iran had a recognized right to civil nuclear energy, at the same time, it needed to comply with its obligations and responsibilities. Persistent defiance and point-blank refusal to fulfil its obligations were not acceptable.

37. France, the United Kingdom and Germany, together with the United States of America, the Russian Federation and China and with the support of the EU High Representative, had set out clearly and in detail how Iran could engage with them with a view to achieving a diplomatic solution through negotiation. Iran's responses to date had been neither positive nor satisfactory. They again called on Iran to engage in meaningful negotiations with a view to achieving a comprehensive diplomatic solution. Iran should make use of the window of opportunity provided and he appealed to Iran to take the hand extended to it.

38. Ms RIVERA (Philippines) reiterated her country's full confidence in the integrity, impartiality and professionalism of the Director General and the Secretariat and commended them on their continued dedication and hard work.

39. She 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 also Iran's cooperation, reflected in improved safeguards measures at the FEP in Natanz and in the provision of access to the IR-40 reactor for DIV purposes.

40. The Philippines noted with concern, however, that Iran had not yet suspended its enrichment activities or its work on heavy water related projects, as required under Security Council resolutions. Her country was also concerned about the lack of progress in resolving other outstanding issues and urged Iran to cooperate with the Agency to ensure full transparency and to provide access to substantive information as confidence-building measures.

41. The Philippines urged other concerned parties to cooperate fully with the Agency so that it could clarify outstanding issues and provide credible assurances of the absence of undeclared nuclear material and activities.

42. Her country reiterated its appeal to Iran to implement the additional protocol and to comply with relevant Security Council resolutions and Board decisions.

43. The Philippines also emphasized the importance of continued consultations on finding a peaceful and comprehensive solution to the Iran issue. It looked forward to a breakthrough as a result of recent diplomatic initiatives by the United States of America and other countries and hoped that Iran would respond to such initiatives with a gesture of goodwill. The Philippines shared the Director General's sentiment that progress was essentially a matter of confidence building between Iran and the international community through dialogue. The development of trust was of key importance for the final settlement of the Iran issue and for achieving peace and stability in the Middle East.

44. Mr FAWZY (Egypt) reiterated the view that the question of Iran's nuclear programme should not be addressed in isolation from efforts to create a NWFZ in the Middle East and to have all nuclear installations in the region placed under comprehensive Agency safeguards. It followed that the Agency and its Member States should take urgent steps to address Israeli nuclear activities, which were not subject to Agency safeguards, and to implement relevant international resolutions.

45. He emphasized the importance of reaching a peaceful settlement to the Iranian nuclear issue through negotiations and without undermining Member States' right under the NPT to benefit from peaceful uses of nuclear energy.

46. Egypt welcomed the fact that the Agency had continued to be able to verify the non-diversion of declared nuclear material in Iran and encouraged Iran to continue to cooperate fully with the Agency in keeping with its existing legal obligations. In that context, Egypt reiterated its view that demands for transparency and cooperation that extended beyond a State's legal obligations were a risky matter and it cautioned against relying on allegations, information or conclusions whose credibility could not be verified.

47. Egypt welcomed the recent positive steps taken by Iran, such as allowing Agency inspectors to visit the IR-40 reactor at Arak and improving safeguards measures at the Natanz plant, which would assist the Agency in verifying the nature of Iran's nuclear activities in the context of its comprehensive safeguards agreement. He urged Iran to implement the provisions of the revised Code 3.1 on the early provision of design information.

48. Egypt deplored the recent allegation by certain States that the Secretariat had withheld information regarding Iran's nuclear activities from the Board. It was a serious charge that cast doubt on the integrity of the Secretariat, which enjoyed Member States' full trust. Egypt shared the Director General's view that the charges and allegations were politically motivated and sought to undermine the Agency's independence and neutrality. It strongly objected to such practices.

49. Mr DAVIES (United States of America) thanked the Director General and the Secretariat for their continued impartial and professional efforts in conducting their verification mission in Iran. The United States welcomed the latest report by the Director General, which made clear why Iran remained a critical challenge for the Agency and a key issue demanding the Board's attention. Unfortunately, the Secretariat was not getting the full cooperation it needed from Iran to resolve the long-standing issues. The Agency's investigation was entering its sixth year, and many of the issues remained unresolved as a result of Iran's refusal to provide the information and access necessary to address the Agency's serious questions, particularly regarding its past nuclear warhead development programme.

50. In fact, the latest report described how — once again — Iran had missed an opportunity to address the concerns of the international community with respect to its nuclear programme. The United States regretted that no significant progress had been made in the Agency's investigation for over a year. Nor had any progress at all had been made with respect to Iran's fulfilment of its Security Council, NPT and Agency core obligation to cooperate fully with efforts to verify that its nuclear programme was solely peaceful, including its obligation to suspend uranium enrichment at Natanz in accordance with the requirements of the Security Council. The media had noted Iran's acceptance of an augmented safeguards approach at Natanz, but that step only re-established the minimum necessary Agency monitoring at Natanz without addressing Iran's obligations. In addition, the proliferation-sensitive nuclear activities conducted at the Natanz facility should be suspended in accordance with Security Council requirements.

51. Iran's continued refusal to implement the modified Code 3.1 of its safeguards agreement to provide early notification of new nuclear facilities disconcertingly suggested that such access would

not be routine or regularized, as required by its safeguards agreement and Subsidiary Arrangements; rather that it would be ad hoc and last-minute when politically expedient. As the Director General had noted in his report, Iran was the only State with significant nuclear activities which had a comprehensive safeguards agreement in force but was not implementing the provisions of the revised Code 3.1.

52. Similarly, more than a year ago, the Director General had requested preliminary design information for the new power reactor Iran planned to construct at Darkhovin and Iran had again refused to provide such information. The failure to apply the modified Code 3.1 was a serious impediment to the Agency's ability properly to safeguard and verify nuclear activities in Iran. Iran's granting of access to the Agency to conduct a DIV was welcome but, given that it had come after a year of defiance, was not a cause for congratulation. The limits placed by Iran even on that one opportunity revealed further its lack of cooperation. The report clearly indicated that while Iran continued to make significant progress at Arak it had yet to provide critical, detailed design information, in particular about the nuclear fuel characteristics, fuel handling and transfer equipment, and the nuclear material accountancy and control system. That information was fundamental to safeguards implementation and should be provided without delay.

53. Against that backdrop of limited cooperation, the report described both technical progress in Iranian uranium enrichment and a total stalemate in addressing the Agency's serious concerns about Iran's past warhead related work. Indeed, the report stated that Iran now had, at a minimum, 1430 kilograms of low enriched UF₆. Iran was either very nearly or already in possession of sufficient LEU to produce one nuclear weapon, if the decision were made to further enrich it to weapons-grade. That ongoing enrichment activity, prohibited by three Chapter VII Security Council resolutions, moved Iran closer to a dangerous and destabilizing possible breakout capacity.

54. Taken in connection with Iran's refusal to engage with the Agency regarding its past nuclear warhead related work, the United States had serious concerns that Iran was deliberately attempting, at the very least, to preserve a nuclear weapons option. While the Agency continued to request clarification on the alleged studies, the uranium metal document and the procurement and nuclear related R&D activities of military institutes and companies, as well as the production of nuclear related equipment and components by companies belonging to defence industries, Iran continued to refuse to cooperate. That was regrettable. Furthermore, it was disappointing that more than ten months had passed and Iran had failed to take what the Director General called an important first step in addressing those long-standing issues by providing substantive answers to the Agency's questions. What conclusion should the Board draw from Iran's refusal to provide substantive answers to the Agency's questions?

55. It had been nearly six months since the United States had jointed the five permanent members of the Security Council plus Germany in offering to negotiate with Iran on the basis of mutual interests and mutual respect, without preconditions. The United States and its partners had made a good faith effort to reach out to Iran and find a diplomatic solution to the issue. While that group of countries had seen media reports that Iran had a new proposal, it had not yet received any official, substantive response from its Iranian counterparts. Nonetheless, the United States and its partners would review any proposal seriously in the spirit of mutual respect and would welcome the Iranian Government's constructive response to their invitation of April 2009 to meet face-to-face. Moving forward with those discussions could begin to bring Iran into compliance with its international obligations and create confidence in the exclusively peaceful nature of its nuclear programme.

56. It was a fresh opportunity for Iran to turn the page, to come back to the negotiating table and to prove that it was a responsible, trustworthy member of the international community. The pathway to a negotiated solution remained on the table for Iran. The United States continued to call on Iran's

leaders to demonstrate genuine commitment to peace and security in the Middle East and to the international non-proliferation regime. The United States had made clear that it did not dispute Iran's right to a civilian nuclear programme, but with that right came the responsibility to restore confidence in the exclusively peaceful nature of Iran's activities. The United States welcomed constructive, honest engagement with its Iranian counterparts to resolve the issue once and for all.

57. Iran claimed that all the Agency's concerns had been addressed. Unfortunately, that was far from being the case, as the Director General's report and its many predecessors had demonstrated. Members of the Board had a responsibility to demand that the Secretariat's questions be answered and obtain confidence in the peaceful intent of the Iranian nuclear programme. When a State such as Iran had violated its safeguards agreement for decades and was known to have engaged in weapons related work, that task became all the more vital. When a State such as Iran continued to violate its obligations, the Board must respond.

58. His Government was committed to a diplomatic resolution of international concerns over Iran's nuclear programme and to the dual-track approach. It urged Iran to fulfil its international nuclear obligations and accept the promise of a negotiated and comprehensive agreement that was in the interest of all Iranians. The United States hoped that Iran would not miss the current opportunity and that it would take immediate steps to restore international trust and confidence. The United States looked forward to a time when Iran was greeted by the Board as a Member State in good standing and urged Iran to do what was necessary to make that a reality.

59. Mr CANCHOLA GUTIERREZ (Mexico) welcomed the improved cooperation between Iran and the Agency with the granting of access to the IR-40 reactor at Arak so that the Agency could carry out a DIV, and the reaching of agreements on improvements to the containment and surveillance measures at the FEP at Natanz and regarding the provision of accounting and operating records.

60. However, Mexico reiterated its concern at Iran's lack of progress in implementing the modified Code 3.1 of its Subsidiary Arrangements and found equally worrying the fact that Iran had not suspended its uranium enrichment related activities as required by Security Council resolutions. It was essential for Iran to re-engage with the Agency to clarify and bring to a closure questions related to the alleged studies, the circumstances of the acquisition of the uranium metal document, the procurement and R&D activities of military related institutes and companies that could be nuclear related, as well as the production of nuclear related equipment and components by companies belonging to defence industries.

61. Mexico urged Iran to cooperate with the Agency effectively and without delay and to take the necessary measures to ensure that all outstanding issues might be resolved in a transparent and expeditious manner in order to contribute to international peace and security and to comply with its NPT obligations. Mexico reiterated the Board's request that Iran immediately suspend its uranium enrichment activities as an essential confidence-building measure. The confidence of the international community had been eroded, and an additional effort of transparency was required by the Iranian authorities so as to afford credible assurances about the absence of undeclared nuclear material and activities. Mexico joined the Director General in urging all States that had provided information and documentation to the Agency to ensure that he was able to share further information with Iran, given the lack of progress in the verification process.

62. The only way of resolving conflicts was through dialogue and negotiation, and Mexico expressed the desire for the resumption of negotiations among the parties involved in the hope that there would soon be substantive progress towards achieving a permanent solution of the issue.

63. Mr BARRETT (Canada) joined previous speakers in commending the Secretariat for its continued professional and impartial work on the many outstanding questions concerning the scope and nature of Iran's nuclear programme.

64. Canada remained deeply concerned at the continuing lack of substantive progress on a number of serious outstanding issues due to insufficient cooperation by Iran. Those issues needed to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme. It was essential that Iran re-engage with the Agency to clarify and bring to a closure questions related to the alleged studies, the circumstances of the acquisition of the uranium metal document, the procurement and R&D activities of military related institutes and companies that could be nuclear related, as well as the production of nuclear related equipment and components by companies belonging to defence industries.

65. Canada noted that the Director General repeatedly emphasized that the information contained in the documentation giving rise to those questions appeared to have been derived from multiple sources over different periods of time and appeared to be generally consistent. The information was sufficiently comprehensive and detailed that it needed to be addressed by Iran with a view to removing the doubts which naturally arose, in light of all the outstanding issues, about the exclusively peaceful nature of Iran's nuclear programme. Canada further noted that the Secretariat had repeatedly informed Iran that it did not consider that it had adequately addressed the substance of the issues. The Director General's latest report stated that Iran had information which could shed more light on the nature of the alleged studies, but had not yet provided it to the Agency. The withholding of such information, which could help facilitate progress, was particularly objectionable. It was essential that Iran cooperate fully with the Agency's request to provide more substantive responses and to provide the Agency with the opportunity to have detailed discussions with a view to moving forward on the issues, including granting the Agency access to persons, information and locations identified in the documents.

66. Canada noted that Iran had recently allowed access, after repeated Agency requests, to the IR-40 reactor for purposes of a DIV. However, Canada also noted with concern that Iran was the only State with significant nuclear activities which had a comprehensive safeguards agreement in force but was not implementing the provisions of the revised Code 3.1. Its continuing refusal to do so was inconsistent with its safeguards obligations and appeared to be another example of Iran not fully complying with its safeguards agreement.

67. In addition, although Iran had recently accepted Agency requests to improve safeguards measures at Natanz, its continuing enrichment activities, including work on future generations of centrifuges, were in blatant disregard of Security Council and Board resolutions. Given the lack of confidence expressed by the Board in the peaceful nature of Iran's nuclear programme, Canada endorsed fully the relevant resolutions passed by the Board and the Security Council. As a confidence-building measure, Iran must heed those resolutions by suspending enrichment related and reprocessing activities and its work on heavy water related projects.

68. Also, contrary to requests of the Board and the Security Council, Iran had not implemented the additional protocol nor agreed to Agency requests that it provide, as a transparency measure, access to additional nuclear related locations. In that regard, Canada strongly urged Iran to ratify without delay and implement fully its additional protocol and cooperate actively with the Agency.

69. Openness, transparency and full cooperation were critical to addressing the serious outstanding issues. Canada urged Iran to take the necessary actions without delay to enable the Agency to provide assurance about the absence of undeclared nuclear material and activities and to restore international confidence in the peaceful nature of its nuclear programme. Such action was long overdue and

progress in addressing those issues was imperative. Until all outstanding questions about the scope and nature of that country's nuclear programme were resolved, safeguards activities in Iran must not return to routine operations and the item must remain on the Board's agenda.

70. Finally, given the continuing broad interest in the issue, the importance of the principle of transparency, and in accordance with past practice, Canada requested that the report contained in document GOV/2009/55 be made public.

71. Mr POTTS (Australia) commended the Secretariat for its persistence and rigour in implementing safeguards in Iran.

72. Australia was pleased to note that Iran and the Agency had recently agreed on improvements to the safeguards approach at Natanz and that, as a consequence, the Agency was in a position to confirm the non-diversion of declared nuclear material in Iran. That was a conclusion Australia would expect the Agency to make for all States with comprehensive safeguards agreements. The improved safeguards approach at Natanz enabled better monitoring by the Agency of Iran's ongoing enrichment related activities, which were in breach of that country's obligations under Security Council resolutions. Australia appreciated the fact that Agency inspectors had conducted three unannounced inspections since the Director General's previous report and hoped that Iran would continue to cooperate in facilitating such inspections.

73. Furthermore, Australia noted that, following repeated requests by the Agency, Iran had provided access to the IR-40 reactor at Arak. While pleased that it had done so, Australia noted that it was long overdue and that Iran still needed to provide updated and more detailed design information. The Agency's visit had confirmed that the heavy water related activities were ongoing, contrary to Security Council requirements. Australia noted that Iran had yet to resume implementation of the revised Code 3.1 on the early provision of design information or to provide preliminary design information for the nuclear power plant to be built in Darkhovin. Both those failures were inconsistent with its obligations under the Subsidiary Arrangements to its safeguards agreement. Australia respectfully urged Iran to take the necessary action to fulfil its obligations under the Subsidiary Arrangements and the relevant Security Council resolutions.

74. Australia appreciated the detailed discussion of the issues relating to possible military dimensions that was contained in the Director General's report. It was important that the Board did not lose sight of the seriousness of those issues. He recalled that in 2008 the Agency, with Iran's cooperation, had been able to clarify the technical scope of several of Iran's past undeclared procurements and experiments, but the Agency had not reached any firm conclusions about their underlying nature and purpose. The Agency had described a number of issues as no longer outstanding at that stage, subject to ongoing efforts to corroborate and verify the completeness of Iran's declarations. Clarification of the remaining questions relating to possible military dimensions was critical to understanding the underlying nature and purpose of Iran's nuclear activities.

75. While on the subject of the possible military dimensions of Iran's nuclear activities, he took note of the statement that the Agency had limited means to authenticate the alleged studies documents independently. Australia endorsed the Director General's analysis that the information contained in that documentation, which appeared to have been obtained from multiple sources over different periods of time and be generally consistent, was sufficiently comprehensive and detailed that it needed to be addressed by Iran with a view to resolving doubts that naturally arose in light of all of the outstanding issues.

76. Even leaving aside the alleged studies documentation that was disputed by Iran, the report noted that there were still matters that needed to be discussed based on the documents and information provided by Iran itself or that related to information which the Agency had independently

corroborated. The examples of such information provided in the report related, for example, to simultaneously functioning multiple detonators, the possible role of a foreign explosives expert, correspondence relating to the green salt project, access to civilian workshops where modelling of new payload chambers for missiles was alleged to have been carried out, and engineering and modelling studies for the redesign of the missile payload chambers.

77. The report again highlighted that the so-called alleged studies were only a subset of a broader set of outstanding issues relating to possible military dimensions to Iran's nuclear programme. In addition to addressing the alleged studies, Iran needed to provide more information on the circumstances of the acquisition of the uranium metal document, clarify procurement and R&D activities of military related institutes and companies that could be nuclear related, and clarify the production of nuclear equipment and components by companies related to defence industries. It was disturbing that, contrary to the Board's requests and the Security Council's requirements, Iran had not cooperated with the Agency in connection with those serious outstanding issues and that, as a result, there had been no substantive discussion about the issues for more than a year.

78. The Security Council had called on Iran to take steps required by the Board which were essential to building confidence in the exclusively peaceful purpose of Iran's nuclear programme. Those steps included implementing in full the additional protocol. Australia supported that call and urged Iran fully to cooperate with the Agency in clarifying the outstanding issues and implementing the additional protocol. Only then would the Agency be in a position to exclude the possibility of military dimensions to Iran's nuclear programme and provide a credible assurance about the absence of undeclared material and activities in Iran.

79. Australia encouraged Iran to seize the opportunity to respond constructively to the United States offer of dialogue and engagement and to consider positively the package of incentives offered by the five permanent members of the Security Council and Germany.

80. Australia supported the previous speaker's request that the Director General's report be made public.

81. Mr BERDENNIKOV (Russian Federation) said that the work of the Secretariat and its Director General in Iran enjoyed his country's full confidence and support.

82. Having listened carefully to the advice given by members with regard to resolving the problems of Iran's nuclear programme, he said that the measure of success would be greater if others were to act in like manner. The Agency's efforts to clarify issues related to the history of Iran's nuclear programme, the information it regularly provided on Iran's nuclear activity and the steps recommended to resolve remaining issues were important to restoring confidence in Iran's plans to develop nuclear power. The allegations that the Agency was withholding from the Board information concerning Iran's nuclear programme, to which the Director General had referred in his introductory statement, were — according to Russia's Minister of Foreign Affairs — unacceptable.

83. The Russian Federation took note from the report that Iran was cooperating with the Agency in improving safeguards measures at its FEP at Natanz and in granting access to its IR-40 reactor at Arak for the conduct of a DIV and also that the Agency was continuing to verify declared nuclear material in Iran.

84. However, it was a matter of concern that for more than a year the Agency had not been able to engage Iran in any substantive discussions about the outstanding issues pertaining to the alleged studies. The Director General had urged Member States which had provided documentation to the Agency to work out new modalities with the Secretariat so that it could share further documentation

with Iran, as appropriate. He had been right to say that its inability to do so was rendering it difficult for the Agency to progress further in its verification process in Iran.

85. The Russian Federation appealed to Iran to implement fully the relevant Security Council and Board decisions, particularly in respect of implementing the additional protocol and transparency measures, so that the concerns of the international community regarding the nature of its nuclear programme could quickly be allayed. The Russian Federation saw no alternative to a political and diplomatic settlement of the situation surrounding Iran's nuclear programme.

86. Mr HU Xiaodi (China) said that, despite a number of outstanding issues, the Director General's reports on the Iranian nuclear issue indicated that there had been continuous progress in Iran's cooperation with the Agency. The parties concerned should continue to support the constructive role played by the Agency and the Director General.

87. China had consistently maintained that it served the interest of all parties to find a peaceful solution to the Iranian nuclear issue through dialogue and negotiation. There was still an opportunity for a negotiated settlement. According to the Agency's latest report, Iran had recently taken positive steps to work with the Agency and had announced that it would put forward a new package of proposals for negotiation, a development which China welcomed. At the same time, the recently concluded meeting of the five permanent members of the Security Council plus Germany had once again reaffirmed their determination to resolve the Iranian nuclear issue through negotiations.

88. China was very concerned that, if the international community failed to take advantage of the current favourable climate for the resumption of negotiations, the situation might take a turn for the worse. All interested parties should therefore step up diplomatic efforts to achieve a resumption of negotiations as soon as possible and find a negotiated solution to the Iranian nuclear issue.

89. China had always been committed to working towards reconciliation and to promoting negotiations. It would continue to uphold the international nuclear non-proliferation regime, maintain regional peace and stability and make unremitting efforts to promote a proper and negotiated settlement to the Iranian nuclear issue.

90. Mr NAKANE (Japan), while noting from the report that Iran had cooperated with the Agency in improving safeguards measures at the FEP and in providing it with access to the IR-40 reactor for DIV purposes, expressed concern that it had taken months for Iran to agree on the improvements to the containment and surveillance measures at the FEP and that it still needed to provide updated and more detailed design information on the IR-40.

91. The report reiterated that there remained a number of outstanding issues which gave rise to concerns and which needed to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme, and that Iran had not cooperated with the Agency in connection with those issues.

92. He expressed concern that, notwithstanding Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008), Iran was continuing to conduct enrichment related activities, work on heavy water related projects and maintain its suspension on implementation of the additional protocol, which it had yet to ratify.

93. It was most regrettable that Iran was conducting R&D activities on a new generation of centrifuges and was expanding its enrichment related activities at Natanz, while also continuing unilaterally to suspend the implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part.

94. Unless the current Iranian position changed, the international community's confidence would not be restored and it would be difficult for the Agency to make further progress in its investigations. To restore the confidence of the international community and to create conditions to exercise fully its right to use nuclear energy for peaceful purposes, Iran needed to suspend its enrichment related activities and its work on heavy water related projects. It also needed to implement and ratify the additional protocol and cooperate fully with the Agency, in accordance with the relevant resolutions of the Board and the Security Council.

95. To achieve a peaceful and diplomatic solution to the Iranian nuclear issue, Japan urged Iran to return without delay to negotiations based on the comprehensive package proposed by France, Germany and the United Kingdom plus China, Russia and the United States. Japan, which supported the diplomatic efforts of the States concerned, had taken every opportunity to encourage Iran to respond to the calls of the international community and would continue to do so.

96. Mr FIDAN (Turkey) welcomed the progress made since the Director General's previous report, notably Iran's cooperation with the Agency on improving safeguards measures at the FEP at Natanz and in providing the Agency with access to the IR-40 reactor at Arak for DIV purposes. His delegation looked forward to that momentum being continued.

97. All States which complied with their NPT obligations had the undisputed right to benefit from the peaceful use of nuclear energy, and it was the Agency's statutory mandate to facilitate and monitor the development and use of nuclear energy for peaceful purposes.

98. As reported by the Director General, the Agency continued to verify the non-diversion of declared nuclear material in Iran. However, the Agency was again unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran.

99. The outstanding issues relating to Iran's nuclear programme must be addressed in a constructive and transparent way and be brought to a positive conclusion without further delay, restoring confidence in the exclusively peaceful nature of Iran's nuclear programme. Continued dialogue and cooperation, including voluntary confidence-building steps, would help allay concerns in that regard. Sharing further information and, if possible, documentation with Iran regarding questions raised by the Agency might be helpful in that regard.

100. Turkey was in favour of resolving the ongoing crisis of confidence between Iran and the international community through peaceful and diplomatic means and was prepared to contribute actively to all constructive efforts to that end.

101. Mr MINTY (South Africa) expressed full confidence in the unbiased and professional manner in which the Agency conducted its work in execution of its verification and safeguards mandate under the Statute.

102. As indicated in the Director General's report, Iran continued to provide the Agency access to declared nuclear material and to the cascades installed at the FEP at Natanz and had agreed on improvements regarding the provision of accounting and operating records and on the requirements for timely access for unannounced inspections. It had also provided an update of the DIQ for the FMP and the IR-40 reactor as requested by the Agency.

103. South Africa took note that Iran was continuing to feed UF₆ into its cascades at the FEP and that it was continuing with the installation of cascades. In that connection, his delegation welcomed the recent improvements to the containment and surveillance measures at the FEP agreed between Iran and the Agency, which would help the Agency to meet its safeguards objectives for the facility. However, it remained concerned that, in contravention of the United Nations Security Council

resolutions, Iran had not suspended its enrichment related activities or its work on heavy water related projects.

104. His delegation reiterated its call on Iran to provide the information needed so as to resolve all outstanding issues and to ratify and implement the additional protocol so as to enable the Agency to provide credible assurances regarding the peaceful nature of its nuclear programme. As a further confidence-building measure, Iran should implement without delay the revised Code 3.1 of the Subsidiary Arrangements General Part on the early provision of design information.

105. South Africa joined the Director General in urging Member States which had provided information to the Agency to work out modalities with the Agency so that it could share further information with Iran in order to make progress in resolving the outstanding issues in its verification work.

106. Iran must take the steps required of it — and which had acquired a mandatory character through Security Council resolutions — as proof of its willingness to demonstrate transparency and build confidence in the nature of its nuclear programme. Encouraged by the increased cooperation between Iran and the Agency, South Africa hoped that interaction could be accelerated.

107. South Africa noted with concern the media reports of allegations by some Member States that the Agency had withheld information regarding the implementation of safeguards in Iran. South Africa shared the Director General's view that those allegations were not only baseless, but also undermined the independence and impartiality of the Agency. Any matters of concern could be raised with the Secretariat and discussed in the Board.

108. The readiness of parties concerned to initiate talks now provided a window of opportunity. Time was of the essence, and South Africa hoped that discussions could take place soon with the aim of promoting greater understanding and making progress on that urgent issue.

109. Ms GOICOHEA ESTENOZ (Cuba) said that an objective and impartial analysis of the Director General's report showed without any doubt that there had been major developments since the previous Board in June. Iran had once again demonstrated a willingness to cooperate with the Secretariat, having carried out actions which had gone above and beyond its legal obligations.

110. Unfortunately, those positive developments had not been fully appreciated by certain countries, which persisted in keeping the issue on the agenda for political reasons. It was common knowledge that, concerned above all about their geopolitical interests in the Middle East, those countries had perverted analysis of the issue and were responsible for all the time as well as human and financial resources wasted in following up a subject that ought to have been closed upon completion of the work plan between the Islamic Republic of Iran and the Secretariat. Furthermore, the report stated that the nuclear activities currently being carried out in Iran, in particular those relating to its nuclear fuel fabrication programme, were under strict Agency control.

111. Far from facilitating a solution to the issue, those same countries had denied that progress had been made and launched a new strategy aimed at discrediting the Secretariat, slandering it with accusations of concealing information and seeking to force the submission of additional material and documents.

112. That new strategy of discrediting the Secretariat was a very serious matter. Her delegation wondered whether those who promoted it were aware that it might well cause a loss of confidence in a body whose role was to ensure international peace and security and the survival of the human species. A discredited Secretariat would not have the support of the international community in carrying out its statutory functions. That clumsy and dangerous manoeuvre undermined efforts to find a solution to the so-called Iranian nuclear issue. Cuba denounced the hypocrisy and double standards of those

countries, which turned a blind eye to the aggressive policy of Israel, the only State in the region that had not signed the NPT and it denounced, yet again, their call for Iran to suspend its enrichment activities.

113. Now that the work plan for Iran had been completed and all outstanding questions resolved, the issue should be closed in New York and returned to Vienna, from where it should never have left, and should be treated in a routine manner.

114. Mr ARSHAD (Malaysia) reaffirmed his country's longstanding confidence in the impartiality and professionalism of the Director General. Malaysia rejected any unsubstantiated allegations or interference which cast aspersions on his integrity.

115. Malaysia reiterated the need to respect the basic and inalienable right of all States party to the NPT to develop research, production and use of atomic energy for peaceful purposes without discrimination and in conformity with their respective legal obligations. Therefore, nothing should be interpreted in a way as inhibiting or restricting that right. Member States' choices and decisions regarding peaceful uses of nuclear technology and fuel cycle policies must be respected.

116. Malaysia stressed the need to make a clear distinction between the legal obligations of Member States under their respective safeguards agreements and their voluntary commitments. That was essential to ensure that voluntary commitments undertaken by Member States would not be transformed into legal safeguards obligations; Member States not in a position to fulfil those voluntary measures should not be penalized.

117. Like the Director General's previous reports, the latest report found there to be no evidence of diversion or prohibited use of any declared nuclear materials. Malaysia welcomed the important developments reflected in the latest report, including the agreement to put in place improvements to the containment and surveillance measures at the FEP at Natanz, enabling the Agency to continue to fully meet its safeguards objectives for that facility, the agreement on the requirements for timely access for unannounced inspections by the Agency and on improvements on the provision of accounting and operating records. Also, the Agency had successfully conducted 3 unannounced inspections at the FEP in Natanz, making a total of 29 unannounced inspections since March 2007. Enrichment activities continued to remain under Agency containment and surveillance and, to date, results of the environmental samples taken at the FEP and the PFEP indicated that the plants had been operating as declared, producing less than 5% uranium-235 enrichment. The Agency's monitoring of the use and construction of hot cells at relevant nuclear facilities in Iran was ongoing with no indications of reprocessing activities. Furthermore, Iran had submitted an updated DIQ for the FMP and the Agency had conducted PIV and DIV there. Iran had also provided the Agency with access to the IR-40 heavy water reactor at Arak, which had led, in August, to the conduct of a DIV. The Agency had concluded, after conducting a PIV and a DIV at the UCF, that the inventory of nuclear material was consistent with Iran's declaration and that the facility conformed to the design information provided by Iran.

118. Based on those irrefutable and extremely positive facts, his delegation was of the view that Iran had extended its fullest cooperation to the Agency within its national legal obligations and capacity. Malaysia therefore believed that the time had come for the safeguards verification on Iran to be resumed in a routine manner. The international community should not continue to indulge unsubstantiated issues of the past but should instead look to the future. There were other more pressing issues which it needed to address, in particular the needs of Member States with regard to technical assistance, transfer of technology, and safety and security aspects of their respective nuclear energy development programmes.

119. Ms MACMILLAN (New Zealand) welcomed the signs of increased cooperation reflected in the Director General's latest report, but regretted that such cooperation had not been extended to other outstanding issues about the nature of Iran's nuclear programme and its possible military dimension.

120. While pleased that Iran had given the Agency access to carry out a DIV at the IR-40 Reactor at Arak, New Zealand noted that Iran still needed to provide updated and more detailed design information, in particular about nuclear fuel characteristics, fuel handling and transfer equipment, and the nuclear material accountancy and control system.

121. New Zealand regretted that Iran had not yet resumed the implementation of the revised Code 3.1 of the Subsidiary Arrangements or fulfilled the Agency's long-standing request for preliminary design information on the nuclear power plant to be built in Darkhovin.

122. With respect to Natanz, New Zealand was pleased to note that Iran and the Agency had recently agreed on improvements regarding containment and surveillance measures, the provision of accounting and operating records, and the requirements for timely access for unannounced inspections.

123. New Zealand encouraged Iran to cooperate with the Agency on all outstanding issues of concern, including through re-engagement with the Agency to clarify and bring to a close questions related to the alleged studies, procurement and R&D activities.

124. New Zealand remained concerned that, contrary to the requirements of the Security Council and the request of the Board of Governors, Iran had not implemented the additional protocol or suspended its enrichment activities or its work on heavy water related projects, and it had yet to adopt other transparency measures which were essential to enable the Agency to provide credible assurances about the absence of undeclared nuclear material and activities.

125. Iran must comply without delay with all Board decisions and Security Council resolutions in order to resolve all outstanding issues. New Zealand continued to encourage Iran to take full advantage of the new opportunities for engagement.

126. Mr KHELIFI (Algeria) noted that, as part of the implementation of Iran's safeguards agreement with the Agency, the Secretariat had been able to verify the non-diversion of declared nuclear material and the lack of reprocessing activities. He further noted the continued cooperation between Iran and the Agency which had allowed for access to the IR-40 heavy water reactor at Arak and improved containment and surveillance measures at the FEP, as well as other improvements relating to the provision of accounting and operating records and the requirements for timely access for unannounced inspections. Such cooperation, aimed at restoring confidence in the exclusively peaceful nature of Iran's nuclear programme, was to be encouraged.

127. The commitment of France, Germany and the United Kingdom together with China, the Russian Federation and the United States of America to resume negotiations with the Iranian authorities was promising, as were the recent initiatives of the international community on disarmament and the entry into force in July 2009 of the Pelindaba Treaty, of which Algeria had been the first signatory.

128. The creation of a NWFZ in the Middle East, as a major regional confidence-building measure with regard to the implementation of international commitments entered into, would ease the security concerns inherent in the concept of nuclear deterrence.

129. His delegation expressed its confidence in the Director General and in the professionalism and impartiality of the Secretariat in fulfilling its verification mission. The Secretariat's independence and objectivity must be preserved from any interference or undue pressure, pursuant to Article VII.F of the Statute.

130. Mr MARFURT (Switzerland) said that, for the first time since August 2008, the report on the item contained a number of positive elements: no increase in the number of centrifuges fed with UF₆ and the improvement of surveillance measures at Natanz, access of inspectors to the heavy water reactor at Arak and the temporary stoppage of the heavy water production plant, and the updating of the DIQ for the FMP, which the Agency had been able to visit.

131. However, some of those positive signs simply corresponded to Iran's obligations under its safeguards agreement with the Agency. The lack of any increase for the time being in the number of centrifuges fed with UF₆ should be weighed against the fact that, since June 2009, Iran had increased by over 1000 the number of operational centrifuges. Moreover, access to Arak did not seem to mean that Iran had implemented the revised Code 3.1 and there had been no improvement in Iran's cooperation regarding its activities having a possible military dimension.

132. The issue before the Board had aspects that predated the crisis caused by the Iranian nuclear programme itself, so restoring confidence was not something that could quickly be achieved. However, it was an obligatory stage that required courage, patience and initiative. In recent months, the commitment of some key players to a new approach had raised great hopes, which had unfortunately dissipated as time had gone on. Confrontation had again come to the fore, and some were even questioning the impartiality of the Agency's work.

133. Nevertheless, new positive signals had emerged in the past few days from both sides; Iran had prepared a new proposal and announced that it was prepared to engage in dialogue. The same readiness for dialogue had already been expressed by the six countries at their April 2009 meeting in London and had now been repeated at their recent meeting in Frankfurt.

134. Switzerland called on the key players, firstly, to do their utmost to prevent the situation from deteriorating. Secondly, they should sit down at the negotiating table and undertake a substantive dialogue aimed at a long-term overall diplomatic solution that would do away with the status quo that had prevailed for nearly seven years. Lastly, they should renounce any unilateral step that might hamper the launching of such a process.

135. Mr KUMAR (India) thanked the Director General for his sincere efforts to resolve the important issue under discussion in a professional manner and said that he had India's fullest confidence and trust. India's consistent stand had been that all countries should abide by their international commitments and obligations in exercising their right to the peaceful use of nuclear energy.

136. India had noted the cooperation provided by Iran in the application of safeguards at Natanz and on the conduct of a DIV at Arak. It trusted that Iran would continue to cooperate with the Agency in a spirit of transparency and address the issues of concern described in the report. The Agency was the best forum to address technical aspects, including those relating to supply. All parties should continue to cooperate on finding a peaceful settlement of the issue through dialogue.

137. Mr OTHMAN (Syrian Arab Republic) said that the Islamic Republic of Iran was exercising its legitimate right to use nuclear energy for peaceful purposes in accordance with its comprehensive safeguards agreement in connection with the NPT. It had also voluntarily signed an additional protocol and would have ratified it had it not been subjected to unfair international pressure. The enormous number of Agency inspectors who had visited Iran and spent hundreds of hours in discussions with the Iranian authorities had been unable to find any breach of Iran's obligations under the Agency's Statute or other relevant international instruments.

138. It was regrettable that double standards continued to be applied. Israel, which possessed a nuclear military capability in breach of international resolutions and was not subject to any international control, was never called to account and enjoyed impunity. International pressure was

focused instead on Iran and some other States in the region on the basis of unfounded allegations. Allegations from the same sources had led the previous United States administration and Agency management to take action against another State in the region that was still suffering the consequences. He hoped, in the interests of regional and international peace and security that the international community would not commit the same mistake again.

139. He urged the international community to pursue constructive dialogue in order to reach an agreement that would recognize Iran's legitimate right under the NPT to use nuclear energy for diverse peaceful applications. Also, it should refrain from imposing ever-increasing restrictions on developing countries and from applying double standards.

140. Ms LISTYOWATI (Indonesia)* welcomed the progress achieved on the Iranian nuclear issue. The efforts undertaken by both the Agency and Iran to achieve resolution of the issue as agreed in the framework of the work plan had been a major achievement. The reports of the Director General had repeatedly attested to the non-diversion of declared nuclear material in Iran, and the latest report spoke of appreciable efforts by Iran to provide access to, and permit a DIV at, the IR-40 heavy water reactor. Those developments showed a pattern of cooperation between the Agency and Iran and hard work on both sides to reach a satisfactory solution.

141. She expressed admiration for the tireless efforts of the Director General to deal with the issue under difficult and trying circumstances and supported and respected his professionalism, impartiality and independence. On too many fronts the Agency had been facing challenges which might jeopardize its proper functioning, especially in conducting verification activities.

142. To ensure an environment conducive to further progress, all parties concerned should support the Director General's efforts to continue and complete his work on the Iranian nuclear issue. A conducive atmosphere for negotiation must likewise be promoted. Indonesia firmly believed that diplomacy and negotiation remained the best options for a peaceful solution and was in favour of intensified dialogue among all interested parties.

143. Mr GASHUT (Libyan Arab Jamahiriya)* commended the Agency's efforts to verify the non-diversion of declared nuclear material in Iran and to ensure that all nuclear material and equipment were still subject to Agency containment and surveillance. He also commended the fact that Iran had cooperated with the Agency by giving it access to the IR-40 reactor for a DIV and by agreeing to improvements to the containment and surveillance measures at the FEP. He urged Iran to continue cooperating with the Agency to assist it in its efforts to address outstanding issues, in accordance with its safeguards agreement. At the same time, he reaffirmed Iran's right to use nuclear energy for peaceful purposes.

144. At a recent NAM conference held in Sharm el-Sheikh, President Muammar Al Qaddafi had stated that countries should be assisted in enriching uranium. In so doing, there were two paths that could be followed: one red and one green. The red path should be closed since it would lead to the production of a nuclear weapon; there were already too many nuclear weapons in the world and it would be logical to eliminate them. But attempting to close the green path would be unjust and a denial of access to science. That principle also applied to Iran. If it was enriching uranium for peaceful purposes, it should be encouraged to do so and the Agency had sole responsibility for monitoring its compliance with the relevant obligations. If the Agency found that Iran was following the red path, it could inform all relevant parties and refer the matter to the Security Council.

145. Underlining the need for universality of the safeguards regime and the additional protocol, he said the Agency should monitor all States, whether or not they possessed nuclear weapons, since it bore a responsibility to reassure the international community that all nuclear energy was being used throughout the world only for peaceful purposes.

146. Ms CALCINARI VAN DER VELDE (Bolivarian Republic of Venezuela)* noted that, according to the Director General's latest report, the Agency was continuing to verify the non-diversion of declared nuclear material in Iran.

147. As paragraphs 11 to 13 of the report indicated, the analyses derived from the verification process coincided with the information declared by Iran.

148. Paragraphs 3 to 16 of the report outlined a number of recent developments. The nuclear material in the FEP, the cascades and the feed and withdrawal stations remained subject to Agency containment and surveillance. Iran and the Agency had agreed on improvements to the containment and surveillance measures at the FEP which would enable the Agency to verify and evaluate the inventory of all nuclear material there. Iran and the Agency had also agreed on improvements regarding the provision of accounting and operating records and on the requirements for timely access for unannounced inspections. Since the previous report, the Agency had successfully conducted 3 unannounced inspections. A total of 29 unannounced inspections had been conducted at the FEP since March 2007. There had been no indications of ongoing reprocessing related activities. Iran had submitted an updated DIQ for the FMP. It had given the Agency access to the IR-40 reactor at Arak and the Agency had been able to carry out a DIV. At its current stage of construction, the facility conformed to the design information provided by Iran. Also, the Agency had installed a containment and surveillance system at the Bushehr nuclear power plant.

149. Given those developments, her delegation considered that Iran had shown visible evidence of its commitment under its safeguards agreement and that, since the Board's June 2009 meetings, Iran had made significant efforts to reach a final solution to the issue. In the light of that productive spirit of cooperation, her delegation regretted the fact that some countries were continuing to exert pressure on the Agency and Iran through the alleged studies, on which the report offered no new information. The allegations were based on documents whose authenticity had not been proven. Although Iran had not been given access to the documents, it had nevertheless responded to the allegations.

150. That reaction to the progress was not surprising, since there had been a similar reaction when Iran had fulfilled its obligations regarding modalities for resolving outstanding issues under the work plan agreed with the Agency. It had now become commonplace that, prior to the Board's meetings, representatives of certain governments that were apparently not interested in finding a solution to the issue created a threat-filled atmosphere with the ultimate goal of feeding the media show that gave them continued justification for imperialistic and bellicose actions in the region — actions which her delegation repudiated.

151. The cooperation provided by Iran must be acknowledged so as to help create a propitious climate for future exchanges of information with the Agency. Her country accordingly rejected any type of pressure and/or threats, particularly those aimed at undermining the legitimate rights of Member States enshrined in the NPT and the Agency's Statute.

152. Venezuela fully supported the Director General's handling of the issue and rejected any interference and unfounded accusations that impinged on the Agency's authority, credibility and independence in fulfilling its tasks. It was her delegation's understanding that the sole information that the Secretariat had been obliged not to share with the Board was connected with the alleged studies. The imposition of additional sanctions by the Security Council, far from contributing to a solution to the Iranian nuclear issue, would cast a shadow over the progress made.

153. The international environment was currently embroiled in complications and uncertainties affecting international peace and security. Her delegation therefore supported initiatives aimed at a negotiated solution to the issue, without preconditions. Venezuela hoped that safeguards implementation in the Islamic Republic of Iran would become a routine affair.

154. Mr SOLTANIEH (Islamic Republic of Iran)* expressed his Government's sincere gratitude for the valuable support of NAM, which comprised the majority of Member States, and assured them that it would suspend neither its inalienable right to the peaceful use of nuclear energy nor its full cooperation with the Agency in accordance with its NPT safeguards agreement.

155. He referred to his letter of 4 September 2009 to the Director General, contained in document INFCIRC/768, and drew attention to a number of additional points. The Agency and Iran had entered into negotiations towards an agreement to resolve six outstanding issues on which both sides had undertaken commitments. While Iran had met its obligations in full, the Agency, unfortunately, had not. The international community expected the Director General to implement the August 2007 work plan, contained in document INFCIRC/711, which was a negotiated agreed modality for improvement of verification and the speedy conclusion of outstanding issues. Any expectations beyond the framework of that joint agreement would undoubtedly jeopardize the trust already established between Iran and the Secretariat and prolong political tension in the Agency.

156. Considering the facts reflected in his letter to the Director General and the very positive developments and constructive cooperation between Iran and the Agency over the past six years, the Agency should put an end to the boring and repetitive political disputes by announcing that safeguards implementation in Iran would be conducted in a routine manner in accordance with the final paragraph of the work plan. If such a new chapter for confidence building and trust was opened, the Islamic Republic of Iran would then be in a better position to answer any questions, like other Member States, in accordance with its safeguards agreements.

157. The Agency had been faced with continuous false allegations by the United States of America, including the one used as a pretext in Iraq to invade that sovereign State and to massacre thousands of innocent civilians, in spite of the Agency's declaration that there were no weapons of mass destruction there. The same scenario had been repeated for Iran. Several allegations had been made by the United States, all of which proven by the Agency to be baseless, for example, those about nuclear weapon activities at military sites such as Parchin and Lavisan and about the Gachin uranium mine.

158. The Agency lacked any legally binding mechanism for seeking compensation for baseless allegations that damaged the credibility of the Member States and wasted Agency resources. That matter was being addressed by Iran with other like-minded countries in the context of discussions on the future of the Agency.

159. The international community was carefully monitoring the attitude and conduct of the new United States administration to see whether it could resist certain lobbies and translate its declared slogans into action through a fundamental change in its international policy. The world was watching to see whether the new administration followed the same policy as the Bush administration, pursuing hostile political confrontation by using fabricated baseless allegations such as the alleged studies. That mentality had undermined multilateral mechanisms by unilateral aggressive measures, including undue pressure and interference in the activities of the Agency, which had created an unprecedented atmosphere of mistrust and total isolation of the United States.

160. The Secretary of Iran's Supreme National Security Council had announced that the Islamic Republic of Iran was ready for dialogue based on its comprehensive proposals covering global and regional issues of concern such as security, economic cooperation, nuclear non-proliferation and disarmament, energy supply and demand, energy security and the peaceful applications of nuclear energy. That announcement was a crystal clear indication of Iran's determination to mobilize its huge capacities and capabilities, which had been further strengthened after the recent election with the unprecedented participation of 40 million voters, over 85% of those eligible, in order to contribute to progress, justice and peace in the world.

161. At a press conference on 7 September 2009 in Tehran, President Ahmadinejad had emphasized that Iran was ready to cooperate and negotiate in two areas: by creating opportunities for peaceful uses of clean nuclear energy for all States; and, by instituting effective management for non-proliferation and global nuclear disarmament.

162. Iran, with its historical culture of dialogue, had once again called upon all countries to seize the unique opportunity to follow the path of negotiation based on mutual respect, rather than the carrot and stick policy and the language of threats. He had just been informed that the Iranian Minister for Foreign Affairs would deliver Iran's latest comprehensive package proposal, yet another proof that Iran was committed to dialogue and negotiation and the peaceful settlement of all global issues.

163. Responding to comments made during the discussion, he said that some — those of Australia, for example — had been somewhat more balanced than in the past. Iran appreciated that kind of change and would spare no effort to further clarify any questions that such delegations might have. However, France, Germany and the United Kingdom had still not learned how to deal with the Islamic Republic of Iran; he advised against using the language of threat and intimidation based on a colonialist mentality. The statement made on behalf of the EU was reminiscent of past mistakes and replete with ill intentions. While Iran had been negotiating with the EU and cooperating with the Agency, voluntarily implementing the additional protocol, the EU had taken the issue to the Security Council. Given that confidence deficit, how could Iran not think twice? Bearing in mind that a new window of opportunity had been opened, however, he advised all to reconsider their attitudes and conduct, in the hope of a better future, cooperating together to solve all global issues.

164. The DIRECTOR GENERAL, commenting on the debate and on what had been transpiring over the past few days, said there was a logjam, a stalemate, that must be broken, and that could not be done merely by giving speeches. Iran had taken some positive steps, partly, he hoped, as a result of his private and public appeals. That was the only way to move forward. Talking about formalities — whether the work plan had been fully implemented, how the Agency should write its reports, or whether something was routine or not routine — was not the issue. Rather, there was a need to clarify the substance and make sure that all outstanding issues were dealt with. One lesson he had learned from the 17-year history of the DPRK case was that it was only through dialogue that it was possible to move forward. He did not want a prolongation of the already 6-year old Iran case.

165. Iran had agreed to the Agency's visiting the heavy water reactor and strengthening verification in Natanz, but it could do much more. He placed a high premium on the additional protocol. Although not considered legally binding, for the Secretariat it was key to building confidence about not only declared activities, but also undeclared activities. Iran had implemented the protocol before and could do it again. In reacting to statements by others Iran was penalizing itself, not them. The protocol would help everyone to move the process forward. Similarly, Iran had implemented Code 3.1 before, and he saw no impediment to its so doing again. In addition, Iran could help the Agency to clarify a number of checkable facts, such as procurement and production by military establishments.

166. Regarding the alleged studies, he said the crux of the matter was not assessment or analysis, but the accuracy and authenticity of the information concerning the studies. That was the 64 000 dollar question and the root of the logjam. The Agency had a limited ability to authenticate the allegations; it was one party's word against another. The Agency was well able to deal with nuclear material by carrying out measurements, environmental sampling, and so on. When it came to paperwork, however, its tools were very limited. It was not in a position to say the allegations were accurate, but it did have serious concerns. That was why it needed to work with Iran to clarify the issues and bring the matter to a close. Also, he hoped that the suppliers of the information would help by authorizing the Agency to share as much information as possible. If, but only if, the information was authentic, there was a high probability that nuclear weaponization activities had taken place.

167. In its reports, the Agency had always tried to neither understate nor overstate the facts. Its concerns were serious, but it had not reached a state of panic because it had seen no diversion of nuclear material or nuclear weapon components. To verify the absence of undeclared activities, it was absolutely essential for the Agency to implement the additional protocol.

168. When one listened to the representatives of the Islamic Republic of Iran and the United States of America, it was hard to understand where the problem lay. On the one hand, the United States was making an offer without preconditions on the basis of mutual respect and, on the other, Iran was ready to hold a comprehensive dialogue. The United States offer should not and could not be refused and he hoped that the Iranian response would be positive. One could spend days and nights talking about issues, but unless the players talked to each other and not at each other, there would be no movement forward. Dialogue was key. Many opportunities had been lost over the past six years, and no more should be lost.

169. Finally, on the issue reported in the media of the Agency's withholding information, it was clear that efforts were being made to undermine the Agency. In effect, they were undermining an institution that was absolutely essential to the maintenance of international peace and security. The Agency's information all came from Member States. He urged any Member State holding more information that had been critically assessed in accordance with Agency practice, but that the Agency had not shared, to step forward. The Agency had no more information and its assessment was in the report. It was hard to understand how the Agency could be accused of not sharing information when it had been presented at a briefing for all 150 Member States. The Agency had endured the same sort of hype or fabrication during the time of the Iraq crisis. A war based on fiction, and not fact, had ensued leading to hundreds of thousands of deaths. No-one wanted to go through that process again. He called on all to work together, on the basis of diplomacy and facts, to resolve the issues as soon as possible.

170. The CHAIRPERSON, summing up, said that the Board had taken note with appreciation of the Director General's report contained in document GOV/2009/55. It had commended the Director General and the Secretariat for their continuous professional, technical and impartial efforts related to the verification of Iran's nuclear programme.

171. Several members had welcomed the increased cooperation between the Agency and Iran, notably with regard to the recent improvements in safeguards measures in Natanz, the provision of Agency access to the Arak reactor and the conduct of a DIV visit by the Agency at that reactor.

172. Several members had noted those developments, but considered them long overdue, and that it had taken Iran many months to agree to improved safeguards measures at Natanz and to grant the Agency access to the Arak reactor.

173. Several members had noted that, according to the report, the Agency continued to be able to verify the non-diversion of declared nuclear material in Iran. Several had also noted that the Agency had not found indications of ongoing reprocessing activities at the declared facilities in Iran.

174. Several members had indicated that, taking into account those developments as well as the information provided in the Director General's reports on Iran's implementation of the work plan, they looked forward to safeguards implementation in Iran being conducted in a routine manner.

175. 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 and clarify the issues that were giving rise to concern about possible military dimensions to its nuclear programme.

176. Several members had expressed serious concern that Iran refused to cooperate with the Agency in that regard and give substantive answers to questions that needed to be clarified in order to exclude

the possibility that there might be military dimensions to its nuclear programme. They had commended the Agency for the analysis in its report of those issues.

177. 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 in that regard. 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 constitute an important element to build confidence in the peaceful nature of Iran's nuclear programme.

178. Several members had supported the Director General's request that States which had provided the Agency with documentation relating to the alleged studies should authorize the Agency to share as much information as possible with Iran to assist the Agency in moving forward the verification process. They had cautioned against the creation of obstacles which might hinder the Agency's work in that regard. They had recalled the Director General's assessment that the Agency had limited means to authenticate independently the documentation relating to the issue of the alleged studies.

179. Several members had expressed serious concern that Iran was the only State with significant nuclear activities which had a comprehensive safeguards agreement in force but was not implementing the provisions of the revised Code 3.1 of the Subsidiary Arrangements General Part and had called on Iran to reconsider its decision to suspend implementation of the revised Code 3.1.

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

181. 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 towards resolution of the Iranian nuclear issue.

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

183. They had also reiterated their support for the establishment of a 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 towards 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.

184. Several members had expressed their rejection of baseless allegations directed at the Agency or any undue pressure on or interference in the Agency's activities, especially in its verification activities, which could jeopardize its efficiency and credibility and constituted a violation of Article VII.F of the Agency's Statute. They had reiterated their full confidence in the impartiality and professionalism of the Secretariat and the Director General.

185. The continued need for substantive and comprehensive negotiations and dialogue among all relevant parties and covering all relevant issues, as stressed by the Security Council, had been emphasized as the way to reach a long-term solution of the Iranian nuclear issue, and all Member States had been encouraged to contribute positively to that effect.

186. Several members had welcomed the development of a fresh approach by the international community to establishing a dialogue with Iran. They had called on Iran to consider positively the offer made by the six parties concerned.

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

188. The Board had noted the Director General's response to comments made.

189. She took it that her summing up was acceptable.

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

191. The CHAIRPERSON took it that the Board agreed to the request to make public the report of the Director General contained in document GOV/2009/55.

192. It was so decided.

The meeting rose at 1.30 p.m.