

IAEA Board of Governors

Record of the 1253th Meeting
GOV/OR.1253

Nuclear Verification
Implementation of the NPT safeguards agreement in the Syrian
Republic

Other matters arising from the fifty-first (2007) and fifty-second
(2008) regular sessions of the General Conference
Application of IAEA safeguards in the Middle East

Board of Governors

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Record of the 1253rd Meeting

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Contents

Item of the agenda ¹	Paragraphs
6 Nuclear verification	
(e) Implementation of the NPT safeguards agreement in the Syrian Arab Republic	1–127
7 Other matters arising from the fifty-first (2007) and fifty-second (2008) regular sessions of the General Conference:	
(a) Application of IAEA safeguards in the Middle East	128–203

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 THERESKA	Albania
Mr KHELIFI	Algeria
Mr CURIA	Argentina
Mr POTTS	Australia
Mr VALLIM GUERREIRO	Brazil
Mr BARRETT	Canada
Mr DONG Baotong	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 ASHRAF	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 NECULĂESCU	Romania
Mr BERDENNIKOV	Russian Federation
Mr AL-SAUD	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 VEDOVATTI RAFFO	Uruguay
Mr ELBARADEI	Director General
Mr ANING	Secretary of the Board

Representatives of the following Member States also attended the meeting:

Angola, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Ethiopia, Greece, Guatemala, Holy See, Hungary, Islamic Republic of Iran, Israel, Italy, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malta, Monaco, Morocco, Namibia, Netherlands, Norway, Oman, Pakistan, Panama, Peru, Poland, Portugal, Qatar, Serbia, Singapore, Slovakia, Slovenia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Tunisia, Ukraine, United Arab Emirates, Bolivarian Republic of Venezuela, Yemen and Zimbabwe.

Abbreviations used in this record:

DPRK	Democratic People's Republic of Korea
EFTA	European Free Trade Association
EU	European Union
MNSR	miniature neutron source reactor
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review and Extension Conference	Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	nuclear-weapon-free zone
Pelindaba Treaty	African Nuclear-Weapon-Free Zone Treaty
PIV	physical inventory verification

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

6. Nuclear verification

(e) Implementation of the NPT safeguards agreement in the Syrian Arab Republic (GOV/2009/56)

1. The CHAIRPERSON, drawing attention to the report contained in document GOV/2009/56, recalled that a technical briefing on it had been held by the Secretariat for Member States on 1 September 2009.

2. Mr FAWZY (Egypt), speaking on behalf of NAM, said that it was essential not to lose sight of the manner in which the issue under discussion had initially been brought to the Agency's attention. As recognized in the Director General's report of November 2008, contained in document GOV/2008/60, the Agency had been severely hampered in discharging its responsibilities under Syria's safeguards agreement by the unilateral use of force by Israel and by the late provision of information concerning the building at the Dair Alzour site. NAM regretted that the Board had not expressed itself clearly in that regard.

3. The final declaration adopted at the summit of NAM Heads of State and Government held in Sharm el-Sheikh, Egypt, in July 2009 had stated:

"The Heads of State and Government underscored the Movement's principled position concerning non-use or threat of force against the territorial integrity of any State. In this regard, they condemned the Israeli attack against a Syrian facility on September 6, 2007, which constitutes a flagrant violation of the UN Charter and welcomed Syria's cooperation with the IAEA in this regard."

4. NAM noted from the Director General's latest report that Syria had maintained that the destroyed facility on the Dair Alzour site was a non-nuclear military installation. NAM also noted Syria's statement that it had provided all the information it had regarding the questions raised by the Agency concerning the Dair Alzour site.

5. NAM welcomed Syria's resolve to continue cooperating with the Agency as testified by Syria's letter to the Agency dated 13 August 2009. NAM encouraged Syria and the Secretariat to continue cooperating with a view to resolving any remaining issues that related to information, activities and locations that fell within the limitations of Syria's comprehensive safeguards agreement.

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

7. Mr LUNDBORG (Sweden)*, speaking on behalf of the EU, the candidate countries Croatia, the Former Yugoslav Republic of Macedonia, the Countries of the Stabilisation and Association process and potential candidates Albania, Bosnia and Herzegovina and Montenegro, the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, noted that Syria had cooperated with the Agency in its verification activities at the MNSR in Damascus and said that the EU awaited with interest the Agency's assessment of the results of the samples taken there in July 2009.

8. However, the EU remained concerned about the fact that Syria had still not provided the Agency with all the additional information and supporting documentation about the origin of the anthropogenic natural uranium particles found at the Dair Alzour site, or allowed access to all the locations requested by the Agency. Syria had also failed to engage in substantive discussions with the Agency concerning the structure of the destroyed building and certain apparently nuclear related procurement activities. The EU shared the Director General's position that, in that situation, the declared military nature of the Dair Alzour site did not preclude further investigations by the Agency.

9. The EU agreed with the Agency about the need to establish the origin of the particles of nuclear material of a type not in Syria's declared inventory. In the absence of the necessary cooperation with the Agency, the completeness and correctness of Syria's declarations under its comprehensive safeguards agreement would clearly remain in doubt.

10. The EU therefore called upon Syria to cooperate with the Agency to establish modalities allowing it access to relevant information and locations while protecting sensitive military information.

11. Safeguards agreements should be implemented in full. It was the obligation of each State with a comprehensive safeguards agreement in force to declare all its nuclear installations and material and to report on any new nuclear facility to the Agency once the decision on its construction was taken.

12. The EU called upon Syria to provide the Agency with all the information and documentation requested. The EU also called upon Syria to sign and ratify the additional protocol as soon as possible as a means to strengthen the confidence of the international community in the peaceful nature of Syria's nuclear activities.

13. Finally, the EU joined the Director General in calling upon other States to provide the Agency with any information relevant to the verification of Syria's safeguards agreement.

14. Mr ARSHAD (Malaysia) commended Syria on its cooperation with the Agency in the verification of activities at the MNSR and looked forward to the results of the Agency's sample analysis. Malaysia encouraged Syria to continue its cooperation with the Agency, showing flexibility and transparency with the aim of resolving the issue once and for all. The Agency, as the sole competent authority for verification of the respective safeguards obligations of Member States, should be allowed to resolve the issue without interference and undue pressure from any third party.

15. Malaysia stressed that the sovereign right of Member States pertaining to national security must be respected. In that regard, Member States were obliged to comply only with their comprehensive safeguards agreement; any measures beyond those obligations were purely voluntary.

16. With a view to resolving the issue, Malaysia called upon other States, including Israel, to submit to the Agency without delay the information which had led them to conclude that the installation at the Dair Alzour site had been nuclear related.

17. Malaysia condemned the act of aggression committed in September 2007 by Israel, which was not a State Party to the NPT, against a facility in Syria, which was a State Party. Although that unilateral act had been a flagrant violation of the United Nations Charter, no Member State other than NAM members had condemned it. Malaysia believed that Israel's act of aggression should not be condoned by the international community.

18. Mr CURIA (Argentina), having acknowledged the exhaustive work done by the Secretariat and the Director General on the matter, said his country shared the Director General's view that it was important to gain a full understanding of the presence of the uranium particles at the Dair Alzour site, the imagery of the site available to the Agency and information about certain procurement activities.

19. It was therefore important that Syria provide the Agency with additional information and documentation to confirm the nature of the building on the site. Syria must act with transparency, allowing complementary access to other locations which could have a connection with the Dair Alzour site and establishing the necessary modalities for managed access to protect strategic military information.

20. Argentina urged the Director General and the Secretariat to continue to act with the professionalism they had shown to date so that the issue might be clarified soon.

21. Mr DAVIES (United States of America) commended the Secretariat on its professional pursuit of the technical investigation in Syria. Syria's ongoing refusal to cooperate with the Agency remained of serious concern to the United States, and should be of serious concern to all supporters of the Agency's safeguards system and the international non-proliferation regime. As the Director General noted in his latest report to the Board, Syrian inaction over the preceding year had severely impeded the Agency's verification effort. The Board must not allow any country to hinder the Agency's ability to meet demonstrably its verification responsibilities. His delegation hoped that future reports would reflect a decision by Syria to change course and provide the Agency with a full account of its past and present nuclear programme, and allow the Agency the access it had requested to provide confidence that Syria had no further undeclared nuclear activities.

22. The Agency had been investigating Syria's clandestine nuclear activities related to the destroyed reactor at Dair Alzour for more than a year. Regrettably, Syria had not used that time to resolve the serious outstanding questions about the reactor and associated facilities. Instead, it had chosen to hinder the Agency's efforts. It had refused to allow inspectors the access the Agency had deemed essential to perform its verification mission. It had failed to provide information and supporting documentation about the destroyed facility at Dair Alzour and it had failed to address the Agency's questions about nuclear related procurement efforts. It had refused to supply the Agency with information related to nuclear cooperation with the DPRK. Moreover, it had taken steps to sanitize three additional suspected nuclear related sites upon receiving the Agency's request for access. As noted in the Director General's report, Syria now claimed to have destroyed all the debris, salvaged equipment and remains of munitions removed from the Dair Alzour site.

23. His delegation noted with concern that Syria had not yet resolved questions related to the traces of man-made uranium particles that had been detected at the Dair Alzour facility and at the MNSR, which was under Agency safeguards. In both cases, the uranium was of a type not included in Syria's declared inventory of nuclear material. The United States called on Syria to cooperate fully with the Agency without delay to address all those unresolved questions. The Agency needed to know why such undeclared nuclear material had been detected at two facilities in Syria, one of which had been constructed clandestinely.

24. The Director General reiterated in his most recent report the low probability of the anthropogenic natural uranium detected in the soil at Dair Alzour having been introduced by the munitions used to destroy the facility. The United States regretted that Syria had refused Agency inspectors access to the debris from the site, including remnants of the munitions, a step that would help the Agency make a conclusive determination.

25. The report stated that Syria had provided an initial explanation about the possible origin of the undeclared uranium detected at the MNSR and had allowed the Agency to take additional environmental samples during a PIV in July 2009. The United States welcomed the fact that the Agency had been permitted to conduct that visit and looked forward to the results of the environmental samples.

26. However, allowing the Agency to conduct its mandated verification work at the MNSR unhindered should not be misconstrued as cooperating with the Agency on the investigation into the clandestine reactor at Dair Alzour. Since May 2008, the Agency had been requesting substantive discussions with Syria on the serious questions related to undeclared nuclear activities at the Dair Alzour and related sites. It had even offered to show additional satellite imagery. Unfortunately, Syria continued to rebuff the Agency's offer.

27. Syria's main argument for not cooperating with the verification effort was its assertion that, under its comprehensive safeguards agreement, it was not under any obligation to provide further information concerning Dair Alzour or any additional sites because of their military nature. However, the Director General's latest report corrected Syria's misunderstanding of its safeguards obligations. Paragraph 14 clearly stated that there was no limitation in comprehensive safeguards agreements on Agency access to information, activities or locations simply because they might be military related. The fact that the Agency had found particles of nuclear material of a type not in the declared inventory of Syria underscored the need to pursue the matter. The United States, therefore, urged Syria to accept the Agency's request to discuss the necessary modalities for providing access to information and locations that Syria had asserted were sensitive so that it could pursue its mandated verification work.

28. When considering the importance of the many outstanding questions, the traces of undeclared uranium and Syria's claim that the military nature of the sites precluded Agency visits, the Board should bear in mind that the configuration and location of the destroyed reactor suggested that it had not been intended for peaceful purposes. Given the gravity of that issue and the fact that Syria continued to severely impede the Agency's verification efforts, the United States urged all Board members to join it in demanding that Syria cooperate fully with the Agency without delay by granting it access to any information, debris and sites needed to complete its investigation.

29. The existence of undisclosed nuclear facilities in Syria and Syria's refusal thus far to cooperate with the investigation further underlined the limitations on the Agency's ability to fulfil its mission in a country with a comprehensive safeguards agreement but without an additional protocol. The additional protocol had been developed as a tool to deal with such evasiveness, enabling inspectors to provide assurances that a country's declaration was not only correct, but also complete, and that its nuclear programme was therefore exclusively for peaceful purposes. He called on Syria, and all States that had not yet done so, to sign and implement an additional protocol.

30. The existence of undeclared nuclear activities was a matter of grave concern to all. Therefore, in a spirit of transparency, his delegation requested that the Director General's report contained in document GOV/2009/56 be made available to the public.

31. In light of the mounting evidence of a clandestine nuclear programme and Syria's hindrance of the Agency's verification effort, the issue should remain on the agenda for the November session of the Board of Governors. He called on the Secretariat to provide a written update before the November session on the Agency's investigation into undeclared nuclear material at the MNSR and its investigation into clandestine nuclear activities at the Dair Alzour site.

32. Mr BARRETT (Canada), having commended the Secretariat for its professionalism, expressed continuing concern about revelations that pointed to possible undeclared nuclear material, facilities and activities in Syria and also about possible nuclear cooperation between Syria and the DPRK. While recognizing the difficulties that the Agency had faced in conducting its investigations in view of the physical circumstances it had found at the Dair Alzour site, Canada noted the very serious potential proliferation threat that would be posed by an undeclared nuclear reactor of the kind that appeared to have existed at the site.

33. Canada was concerned that the Agency's ability to confirm Syria's explanation regarding the past nature of the destroyed building at the site was severely impeded because Syria had not provided sufficient access to information, locations, equipment or materials. Likewise, it was concerned that Syria had not yet provided the necessary cooperation to permit the Agency to determine the origin of the anthropogenic uranium found in samples taken at the Dair Alzour site. He also noted that Syria had not cooperated with the Agency to determine what, if any, functional relationship had existed between the Dair Alzour site and three other locations, or to substantiate Syria's claims regarding certain procurement efforts and its alleged foreign nuclear cooperation. As highlighted in the report, the Agency had previously explained to Syria that there was no limitation in comprehensive safeguards agreements on Agency access to information, activities or locations simply because they might be military related. In addition, he noted that the Agency had found particles of nuclear material of a type not in the declared inventory of Syria. That underscored the need to pursue the matter.

34. Given the serious implications for the integrity of Syria's safeguards obligations, Canada strongly urged Syria to provide at an early date additional information and access as requested in order for the Agency to complete its assessment. It was essential that Syria cooperate fully and transparently with the Agency so as to restore confidence with respect to the nature of its nuclear programme. Should Syria's unwillingness to cooperate continue, Canada encouraged the Agency, in response, to consider using all the tools at its disposal.

35. He requested that the Director General continue to report on the results of the Agency's ongoing investigation and that the issue remain on the agenda of the Board of Governors.

36. Finally, given the ongoing and broad interest in the issue and the important principle of transparency, he supported the previous speaker's request that the report under discussion be made public.

37. Mr POTTS (Australia) noted that, since the Director General's report to the Board in June, Syria still had not provided the necessary cooperation to permit the Agency to determine the origin of the anthropogenic natural uranium particles found at Dair Alzour. Nor had Syria cooperated with the Agency's attempts to confirm its statements regarding the non-nuclear nature of the destroyed building, to determine what relationship existed between the Dair Alzour site and three other locations, or to substantiate Syria's claims regarding certain procurement efforts and its alleged foreign nuclear cooperation.

38. He regretted that Syria had not responded positively to the Agency's repeated requests to have substantive discussions on the nature of the destroyed building at Dair Alzour, or responded to its offer to share satellite imagery and other information available to the Agency. Moreover, Syria had not acceded to the Agency's requests for access to debris and any salvaged equipment, the remains of munitions, or the three other locations allegedly related to Dair Alzour. He noted that the Agency's ability to confirm Syria's explanation regarding the past nature of the destroyed building at the site was seriously impeded because Syria has not provided sufficient access to information, locations, equipment or material.

39. Australia found the responses to the Agency's requests in Syria's letter dated 13 August 2009 unsatisfying. It did not follow that, because a building had been under construction, it could not have been the source, for example the place of storage, of the anthropogenic natural uranium particles found at the site. Australia was not persuaded that it was impossible to meet the Agency's request for access to debris. Also, Syria's assertion that it had no obligation to provide information with respect to Dair Alzour and the three other locations due to their military and non-nuclear nature could not be supported. As the Director General noted in the report, there was no limitation in comprehensive safeguards agreements on Agency access to information, activities or locations simply because they

might be military related. The fact that undeclared nuclear material had been found underlined the importance of pursuing the matter.

40. Australia urged Syria to provide the necessary cooperation to permit the Agency to determine the origin of the anthropogenic uranium particles found at the Dair Alzour site and the nature of the destroyed building. It also urged Syria to engage with the Agency to establish the necessary modalities for managed access to enable the Agency to make progress in its verification, while protecting Syria's sensitive military information. Furthermore, Australia urged Syria to sign, ratify and implement an additional protocol at the earliest possible date. Until that occurred, the Agency could not verify that there were no undeclared nuclear activities in Syria.

41. Australia encouraged other States which might possess information relevant to the Agency's verification to make such information available to the Agency.

42. His country looked forward to the outcome of the Agency's analysis of the samples taken during the PIV at the MNSR in Damascus.

43. Australia joined others in requesting that the Director General continue to report to the Board on the implementation of safeguards in Syria and, in the interests of transparency and informed public debate, supported the request to release the report under discussion.

44. Mr BERDENNIKOV (Russian Federation) said that, in clarifying the issues with Syria, the Agency must proceed in a calm and professional way without undue haste or politicization.

45. The Russian Federation endorsed the Director General's request to Syria that it should cooperate fully with the Agency with a view to early confirmation of its explanations of the nature of the Dair Alzour facility. Also, Russia supported the call on other States, including Israel, to share with the Agency the information that could have led them to conclude that the Dair Alzour facility had been a nuclear reactor.

46. Ms MACMILLAN (New Zealand) expressed disappointment at the lack of progress on the outstanding questions, including the discovery at Dair Alzour of anthropogenic uranium particles of a type not included in Syria's declared inventory of nuclear material and unlikely to have been introduced by the missiles that had destroyed the site.

47. Her delegation noted the conclusion that the Agency's ability to confirm Syria's explanation regarding the past nature of the destroyed building at Dair Alzour was severely impeded because Syria had not provided sufficient access to information, locations, equipment or materials. It also noted the Agency's advice that Syria's obligations under its safeguards agreement to provide access to information, activities or locations related to the Dair Alzour site were not limited simply because they were military related.

48. New Zealand called on Syria to be more cooperative and transparent in its provision to the Agency of information about and access to the Dair Alzour site and the three other locations.

49. New Zealand noted that the Secretariat had performed a PIV at the MNSR facility in Damascus and taken environmental samples as well as samples from the materials which Syria had stated were the source of the anthropogenic natural uranium particles found there in 2008. New Zealand looked forward to the results of the sample analyses and encouraged Syria to cooperate fully with the Agency to clarify the presence and origin of the particles found at the facility in Damascus.

50. Given the significance of the unresolved questions, the Board must remain seized of the issue. She therefore asked the Director General to continue his investigations and report back at the Board's next meeting.

51. In the meantime, New Zealand called on Syria to take up the Agency's expression of readiness to work out modalities for managed access that would enable Syria, on the one hand, to protect sensitive and confidential information that was not relevant to the Agency's mandate and the Agency, on the other, to perform its verification mission.

52. Finally, given the interest that the issue had raised, New Zealand supported the call for the public release of the report.

53. Mr NAKANE (Japan) said his country strongly supported the Agency's ongoing activities with regard to the implementation of safeguards in Syria. He noted that, in a letter dated 8 June 2009, Syria had provided additional explanations about the possible origin of the anthropogenic natural uranium particles found at the MNSR in Damascus. He also noted that the Agency had subsequently taken environmental samples and samples from the materials at the MNSR, the results of which the Agency was still awaiting.

54. Japan remained concerned about the origins of the anthropogenic natural uranium particles found at the Dair Alzour site and about the Director General's assessment that there was a low probability that they had been introduced by the use of munitions. Japan also remained concerned about the lack of sufficient cooperation from Syria and about its assertion that it was under no obligation to provide further information concerning the relevant locations because of their military nature. In that regard, Japan took particular note of the Agency's explanation that there was no limitation in the comprehensive safeguards agreement on Agency access to information, activities or locations simply because they might be military related, and also of the fact that the report underscored the need to pursue the matter because the Agency had found particles of nuclear material of a type not included in Syria's declared inventory.

55. For the Agency to complete its assessment, Syria needed to be more cooperative and proceed in a more transparent manner. Japan therefore called upon Syria to respond fully to the Agency's requests, as outlined in the report, to provide at an early date additional information and supporting documentation, as well as access to other locations alleged to be related to the Dair Alzour site, and access to relevant locations for the sampling of destroyed and salvaged equipment and debris. With Syria's cooperation, it was to be hoped that conclusions could be reached as soon as possible with regard to not only the origins of the uranium particles found at the Dair Alzour site and at the MNSR facility in Damascus, but also a possible connection between those particles, certain procurement activities and the allegations of nuclear cooperation with the DPRK.

56. Japan, which had long advocated and actively worked towards universalization of the additional protocol, continued to appeal to all countries which had not yet done so to sign, ratify and implement an additional protocol. He therefore called on Syria to do so in order to ensure greater transparency. He hoped the Board would be kept informed of developments in the case.

57. Mr KHELIFI (Algeria) said that the Agency's verification mission in Syria had been complicated by Israeli military aggression resulting in the destruction of a building at the Dair Alzour site and by the delay in communicating information on the destruction to the Agency. The unilateral use of force against a sovereign State and a party to the NPT was unacceptable and should be condemned as it struck at the foundations of the NPT, the United Nations Charter, international law and the Agency's Statute.

58. Algeria encouraged Syria to cooperate fully with the Agency within the framework of its commitments under its comprehensive safeguards agreement. At the same time, it urged the Agency to request the aggressor to provide the material evidence for the undeclared nuclear activities it alleged at Dair Alzour. Recent disarmament initiatives by the international community, including the entry into force of the Pelindaba Treaty creating a NWFZ in Africa, which Algeria had been the first State to

ratify, offered an opportunity to work determinedly towards eliminating weapons of mass destruction in the troubled region of the Middle East. He urged that further efforts be made to ensure that the nascent trend towards disarmament could be translated into concrete actions, such as establishing a NWFZ in the Middle East, which would help to allay the security concerns inherent in the nuclear deterrent concept.

59. He reaffirmed his delegation's confidence in the Director General and the professionalism and impartiality of the Secretariat in carrying out its verification mission. The Secretariat must be preserved from any interference or undue pressure, in accordance with the Agency's Statute.

60. Ms GOICOCHEA ESTENOZ (Cuba) said that it was noticeable that a group of members sought to ignore Israel's attack on the Dair Alzour site, while using every means possible to try and keep Syria in the dock. Such double standards undermined the Board's credibility and stemmed from those members' political involvement with Israel, a nation which flouted international law and the principles and provisions of the United Nations Charter.

61. The Agency's verification activities had been derailed from the start by Israel's unjustified bombing of Dair Alzour. The attack was as worrying as the hypocrisy and complicit silence of certain members of the Board. Why did those same members, who attempted to condemn Syria and were requesting further cooperation from it, not advocate a decision rejecting and condemning Israel's unacceptable action and deplore its negative impact on the Agency's verification activities? Such a move would contribute substantially to ensuring transparency in dealing with the case. Many calls for transparency had been heard, but only in one direction. Proper transparency required a two-way glass.

62. Instead, those members insisted that the country attacked was acting outside its legal commitments. Syria had cooperated with the Agency from the beginning, as the report before the Board stated. Nevertheless, it was being asked to take new measures, some of which involved sensitive issues connected with its sovereignty. It was not fair that such requirements should be made of a country that had been subjected to a malicious attack. Her delegation did not support them on the grounds that they could establish a precedent and be turned into legal obligations to be applied to any other Member State which, for any reason, real or fictitious, became the political target of certain other States. That was entirely possible, given the prevailing inequity in international political relations.

63. She stressed that the Agency's verification activities should under no circumstances result in a country abdicating its sovereignty. Moreover, any request made of Syria involving actions that would exceed its Agency safeguards commitments should be negotiated with its authorities on a purely voluntary basis and with full respect for its sovereignty.

64. The Agency could not be held hostage to an act that had obviously been geopolitically motivated. The investigations under way should be concluded as soon as possible, taking into account that responsibility for any constraints on the Agency from fully performing its statutory functions was borne solely by those States obstructing its activities, particularly Israel, whose latest violation of international law was the bombing of Dair Alzour.

65. Her delegation was strongly opposed to making the report contained in document GOV/2009/56 public.

66. Mr MARFURT (Switzerland) noted that, while Syria had cooperated with the Agency with regard to the presence of anthropogenic uranium particles at the MNSR in Damascus, it had not yet responded to the Agency's requests for cooperation concerning all the questions about the Dair Alzour site. The Director General's latest report therefore provided no further clarification.

67. Switzerland supported the Agency's view that Syria should respond to its requests for information concerning sites not declared under its comprehensive safeguards agreement and

encouraged Syria to cooperate with the Agency in order to establish the necessary modalities for managed access to sensitive information of a possibly military nature. It also supported the Agency's view that the matter of the presence of particles of nuclear material of a type not in Syria's declared inventory needed to be pursued.

68. The case involved issues that harked back to before the crisis engendered by the September 2007 bombing of the Dair Alzour site. He therefore appealed to all parties concerned, including those States — like Israel — that held relevant information, to cooperate fully and to make such information available to the Agency, particularly any information that had led them to conclude that the Dair Alzour site had housed a nuclear reactor.

69. Mr FAWZY (Egypt) welcomed the ongoing exchange of letters and visits between Syria and the Agency and urged both parties to continue working together, while not losing sight of the respective legal obligations establishing the limits within which such cooperation could take place.

70. Egypt remained concerned about the extent to which the distinction that must be maintained between what was a legal obligation on the part of a State and what was not was being progressively blurred. Safeguards could be implemented effectively only in a context of clearly defined rights and obligations and of mutual confidence.

71. Egypt noted that Israel continued to ignore the Agency by not responding to its request for clarifications in relation to the destruction of the building at Dair Alzour, and that other States that might possess relevant information had not made such information available to the Agency.

72. The manner in which the issue under consideration had been brought to the Agency's attention was not acceptable as it reflected a deep lack of confidence in, and respect for, the Agency on the part of some Member States. A number of countries whose privilege it was to sit on the Board, and whose critical voices vis-à-vis Syria had been unmistakably loud, had remained tellingly silent in the face of Israel's decision to substitute warplanes and missiles for Agency inspectors and to act in a manner that violated the Agency's Statute, the United Nations Charter and the most basic norms of international law. While well-known political biases and alignments might explain such an eloquent silence, they did not excuse it. What higher purpose did the presence of a country on the Board serve than that of defending and upholding the integrity of the Agency and the mechanisms through which it operated? There was no need to speculate how loud those voices would have been had the present situation been reversed.

73. The bombing of the facility at Dair Alzour had dealt a serious blow to the integrity of the Agency's safeguards mechanisms. The silence of those who claimed to champion enhanced, improved and more effective Agency safeguards only contributed to undermining those safeguards further.

74. Mr MINTY (South Africa) took note of the report regarding the Agency's inspections at the Dair Alzour site in Syria and the exchange of correspondence between the Agency and Syria, and the fact that no new information had been forthcoming. South Africa encouraged Syria to continue its cooperation with the Agency to bring the investigation to early closure to the satisfaction of all parties concerned.

75. Stressing that Member States should direct any concerns about another Member State's safeguards agreement to the Agency without delay, he called on all Member States to share any information of proliferation concern with the Agency as soon as it became available in order to provide the Agency with the necessary background to fulfil its verification mandate. He also called on all Member States to refrain from using unilateral force to prevent a further escalation of the volatile situation in the region, thereby undermining the letter and spirit of the NPT.

76. All Member States had a commitment not to undermine the authority of the Agency in any manner and should cooperate fully with the Agency to enable it to discharge its responsibility effectively. Thus, he appealed to other States that might possess relevant information, including satellite imagery, to make such information available to the Agency and to authorize it to share the information with Syria.

77. Mr FIDAN (Turkey), expressing appreciation for the professionalism of the Director General and the Secretariat in carrying out verification activities in Syria and in reporting back to the Board, welcomed the cooperation displayed by Syria in the Agency's efforts to clarify the presence of anthropogenic natural uranium particles at the MNSR in Damascus. Turkey hoped that those efforts would arrive at a positive conclusion when the results of the sample analyses were received.

78. As to the nature of the destroyed building at the Dair Alzour site, the Director General's report indicated that sufficient access to information, locations, equipment and materials was needed in order to confirm Syria's explanations. The Agency had indicated its preparedness to work out modalities with Syria for managed access to protect Syria's sensitive information at relevant locations. Discussions between the Agency and Syria on those issues, including an exchange of views on the satellite imagery and other information available to the Agency, might be helpful in clarifying the matter.

79. The origin of the anthropogenic natural uranium particles collected in environmental samples at the Dair Alzour site required continued cooperation by and with Syria. All States needed to make relevant information available to the Agency and all parties should display full transparency with a view to conclusion of the Agency's investigations without further complications.

80. Mr MICHAELI (Israel)* said that the report again pointed to suspicious findings and the hampering of any efficient investigation by Syria. There was growing recognition that Syria was covering up its clandestine nuclear activities. The Agency must deplore Syria for concealing the facts relating to its nuclear programme and demand that Syria cooperate fully with its investigation.

81. All issues concerning the Dair Alzour nuclear site could have been clarified had Syria met, in good faith, all its obligations under its safeguards agreement and cooperated fully with the Agency. The Director General should take measures to enable the Agency to make progress in investigating Syria's nuclear programme, which was a matter of grave concern to the international community.

82. The reference to Israel in the Director General's report was not in line with the professionalism expected from the Agency and had nothing to do with the investigation itself. Israel expected that due modifications would be made in the next report.

83. Mr SHIM Yoon-Joe (Republic of Korea)*, commending the Secretariat for its continued efforts to conduct verification activities in Syria, took note of some developments, in particular Syria's provision of additional explanations about the possible origin of the anthropogenic natural uranium particles at the MNSR in Damascus and the Agency's performance of a PIV at that facility. Syria's cooperation in that regard was expected to contribute to substantive progress in the Agency's verification activities in Syria.

84. Nevertheless, the Republic of Korea remained concerned by the lack of progress in the Agency's verification activities regarding the Dair Alzour site. It was a matter of priority that the Agency should be provided with sufficient access to information, activities and locations to enable it to determine the origin of the anthropogenic uranium particles found in samples taken at Dair Alzour and establish a functional relationship between the site and other locations. In that regard, his delegation took note of the Director General's request that Syria cooperate with the Agency so that the Agency could ensure that safeguards were applied to all source and special fissionable material in all

peaceful nuclear activities under Syria's safeguards agreement. The Republic of Korea also supported the Director General's call on Syria to engage with the Agency, as a confidence-building measure, to establish the necessary modalities for managed access to information and locations in order to enable the Agency to make progress in its verification, while protecting Syria's sensitive information.

85. Mr GASHUT (Libyan Arab Jamahiriya)* expressed appreciation for the Agency's verification activities despite the difficulties caused by the lack of cooperation from Israel in providing the information requested by the Agency. Israel alone was responsible for complicating the Agency's task by having acted outside international law. It had attacked an independent State and destroyed installations that it alleged to be nuclear, in flagrant defiance of the international community and flouting international law.

86. Libya welcomed Syria's cooperation with the Agency in allowing verification of the MNSR and urged it to increase its cooperation with the Agency in keeping with its obligations under its safeguards agreement.

87. The international community should abandon the policy of double standards, which would only exacerbate extremism and violence in the world. It should oblige Israel to desist from such acts and place all its nuclear installations under the Agency's comprehensive safeguards system. He pointed out that all the Arab States were party to the NPT and had concluded safeguards agreements with the Agency, and some had also signed and ratified an additional protocol.

88. Mr IQBAL (Indonesia)* recognized that the issue of the attack against the facility in Syria had resulted in a difficult situation as there had been delays in providing information. He called on all parties concerned to cooperate with the Agency so as to enable it to complete its verification activities. Expressing appreciation for the cooperation shown by Syria, he encouraged it to continue to engage in dialogue with a view to settling the issue. In anticipation of further reports on the verification process, he stressed the importance of the professionalism, credibility and impartiality of the Director General and the Secretariat.

89. The Agency had a responsibility to verify any allegation of proliferation in any State party to the NPT and to report its findings to the Board. Dealing with an allegation by force, as Israel had done, was unacceptable and only exacerbated the situation. The use of force constituted a flagrant violation of the United Nations Charter and relevant international law. Moreover, it undermined the authority of the Agency. Negotiation and other peaceful means were the only way to arrive at a peaceful solution. He expressed the firm view that any information gathered during verification activities that related to the national security of any country, including Syria, must be respected and kept confidential.

90. Ms CALCINARI VAN DER VELDE (Bolivarian Republic of Venezuela)* said that, in accordance with the United Nations Charter, her country had always maintained, as part of its foreign policy, the inviolable principle of categorically rejecting and condemning any act of aggression or the use of force against a State. Such actions were detrimental to the commitment that all Member States of the United Nations had assumed to respect the territorial integrity of other States and resolve controversies by peaceful means. Her delegation categorically rejected the classic expression of imperialist principles known as preventative war, which attempted to justify attacks against sovereign States on the grounds of alleged threat.

91. The view expressed by one speaker that the issue could already have been resolved if Syria had cooperated with the Agency was an outrage. Syria had been the victim of aggression and that use of force, together with the lack of prompt cooperation by certain States, had impeded the Agency in carrying out its normal verification activities with regard to Syria.

92. Her delegation acknowledged the efforts of the Syrian Government in collaborating with the Agency, including Syria's cooperation in the Agency's verification of the MNSR and its provision of information. She welcomed Syria's stated determination to continue working with the Agency within the framework of its safeguards agreement and the Statute, which together defined Syria's legal obligations. That atmosphere of cooperation should remain free of pressure from third parties.

93. Her delegation reiterated its concern that double standards continued to be applied to the issue. On the one hand, Syria was being urged to cooperate with the Agency while, on the other, Israel had been requested only to provide information on the munitions used in the attack in order to determine whether they could have been the source of the anthropogenic natural uranium particles detected. Her delegation took note that, in his report, the Director General urged other States, including Israel, to provide any relevant information they might possess to assist the Agency in its verification activities.

94. Venezuela, which had full confidence in the professionalism and impartiality of the Agency, called on all Member States to avoid any kind of pressure or interference that might affect its work. Dialogue and negotiation were the only acceptable ways of resolving the issue.

95. Mr SOLTANIEH (Islamic Republic of Iran)* said that the main issue was an aggressive military attack against a Member State under the false allegation that the site targeted was a nuclear reactor. The diversion of international attention from such a serious concern to focus instead on secondary technical questions amounted to deception of the public. Israel's reiteration that it had attacked the site on the basis of its unfounded allegation meant that that act was a clear violation of the Agency Statute, the United Nations Charter and international law.

96. The world should be made aware that the statements of certain western countries had made no reference to the issue of aggression and had not expressed any concern about or condemnation of that act by a country which had a dark history of occupation, aggression and violation of international law. Such attitudes and conduct on the part of those countries had damaged and would further damage their credibility, showing that they were not committed to any morals or principles. It also left no doubt as to the degree of influence of the Zionist lobby in the decision-making process in certain countries.

97. He suggested that all statements, including those of the aforementioned western countries, be made available to the public so that all the people of the world could judge for themselves. The attacked country was being forced to prove its innocence while the attacker was being given safe haven and the public should be apprised of the unjustness of the situation.

98. Concerning the comments made by some countries regarding the unlimited scope of the comprehensive safeguards agreement, he reminded members that the text of the comprehensive safeguards agreement indicated well-defined criteria and access in a legal framework. Moreover, the claim about unlimited scope was contradicted by the very same countries when they stressed the need for an additional protocol as well as a comprehensive safeguards agreement.

99. Mr OTHMAN (Syrian Arab Republic)* thanked the representatives of NAM and other friendly States who had expressed support for the position of the Syrian Arab Republic. He noted with regret that some statements continued to contain charges and allegations notwithstanding Syria's full cooperation with the Agency since May 2008. He was surprised to note that the Director General's report demanded further cooperation. Syria had complied with all its obligations and had officially informed the Agency about the nature of the building that had been destroyed by Israel in September 2007 and also of the new building, neither of which had been used for any kind of nuclear activity.

100. Israel had flagrantly violated the sovereignty of Syrian territory and destroyed a military facility that was under construction. Syria had exercised self-restraint and refrained from escalating the situation in a part of the world where tensions ran high. Yet instead of expressing appreciation for

Syria's conduct, some parties continued to level charges against it and demand information that was not in its possession.

101. Syria had permitted an Agency team to visit the destroyed military site in June 2008 on the basis of an agreement that only a single visit would be made. The team had been allowed to move around the site freely and to visit all the adjacent buildings. Syria had also responded in writing to all the questions raised subsequently by the Agency. The team had seen the water pumps and their transformer as well as the water treatment plant and had recorded all relevant information. It was surprising that the Agency continued to request plans of the military sites and adjacent buildings and to ask to visit other military sites. As Syria was still in a state of war with Israel, which occupied part of its territory, such visits were out of the question since they involved matters of State security and sovereignty.

102. With regard to the Agency's request to view and obtain samples of the debris from the Israeli bombardment of the site, Syria had informed it that the removal of the debris had been a natural response and that it was an internal matter. Moreover, the request to view the debris had been received more than a year after Syria had disposed of it. No State could be expected to allow foreign parties to investigate its internal actions. Such interference was unjustified and would subvert the inviolability of State sovereignty.

103. The Director General's report referred to the existence of anthropogenic natural uranium particles in the hot cells at the MNSR in Damascus. The reactor had been subject to Agency inspections under the comprehensive safeguards agreement since its establishment and its thermal power was only 30 kW. The core was sealed so that there was no access to its fuel. Moreover, the reactor was of a type such that irradiation inside the core to obtain a high neutron flux was not possible. In addition, the hot cell components were made of lead that was only 10 cm thick. The reactor was used for high-level students to gain practical experience in neutron activation analysis. Most of the standard materials used for such purposes contained uranium and Syria had allowed the Agency inspectors who had visited the reactor recently to take samples from them. The reference to the MNSR in the Director General's report was therefore unjustified.

104. Syria continued to cooperate with the Agency on the application of its comprehensive safeguards agreement in accordance with the provisions of the NPT. However, it did not agree that the very small amounts of uranium particles found in the environmental samples constituted undeclared nuclear material.

105. Instead of continuing to adopt such an attitude to Syria, the Agency should ask Israel to halt its violations of international law on the pretext that it was not a party to the NPT. As a member of the Agency, it should be required to meet the same obligations as other members. Israel should also be requested to submit a list of its atomic bombs and depleted uranium missiles, and to allow Agency inspectors to take environmental samples from the sites in which it stored the types of missiles that had been used in its attack on Syria in order to determine whether they contained such uranium particles. As one of the Agency's fundamental tasks was to support the NPT regime, Israel should be compelled to comply with all rules and decisions pertaining thereto.

106. Syria reiterated its indignation at the leaking of the Director General's report containing extremely sensitive national information and its publication on a number of Internet sites even before its circulation to Member States. Such incidents were likely to affect the Agency's handling of similar cases.

107. The Syrian Arab Republic had provided all the information in its possession and was willing to continue cooperating with the Agency to ensure that the case was closed as soon as possible. However, such cooperation could not be extended at the expense of its national security and sovereignty. Syria

therefore hoped that the international community would demonstrate its understanding of Syria's position and support the closure of the file. Also, Syria called on the Agency to adopt a fair and neutral approach and not to heed the demands of certain States whose political intentions were clear to all.

108. The CHAIRPERSON, summing up, said that the Board had taken note of the Director General's report contained in document GOV/2009/56.

109. Several members had noted that Syria had cooperated with the Agency in its verification activities at the MNSR in Damascus. Several members were looking forward to the Agency's assessment of the results of the samples taken there in July 2009.

110. Several members had expressed appreciation for the cooperation which had so far been provided to the Agency by Syria and they had urged Syria to continue to provide full cooperation, consistent with its legal obligations, in order to enable the Agency to complete its assessment. They had welcomed Syria's resolve to continue cooperating with the Agency as testified by Syria's letter dated 13 August 2009.

111. Some members had emphasized that safeguards could only be implemented effectively in the context of clearly defined rights and obligations.

112. Several members had expressed their concern that Syria had still not provided the Agency with all the additional information and supporting documentation regarding the destroyed building at the Dair Alzour site, or allowed access to all of the locations requested by the Agency.

113. Several members had underlined the necessity of establishing the origin of the anthropogenic natural uranium particles found at that site which were of a type that was not in Syria's declared inventory of nuclear material.

114. They had also noted that, according to the Agency's current assessment, the probability was low that the anthropogenic uranium particles found at Dair Alzour had been introduced by the use of missiles. They had further expressed concern in that regard about the correctness and completeness of Syria's declarations under its comprehensive safeguards agreement.

115. Several members had noted Syria's statement that the destroyed facility and the current facility on the Dair Alzour site were military installations. However, other members had shared the Director General's assessment that the declared military nature of the Dair Alzour site did not preclude further investigations by the Agency.

116. Several members had called upon Syria to cooperate with the Agency to establish modalities which would allow the Agency access to relevant information and locations while protecting sensitive military information. They had also called on Syria to sign and bring into force an additional protocol as soon as possible.

117. They had called on Syria to provide documentation in support of its statements concerning the nature and past use and function of the destroyed building, to provide information concerning procurement activities and to grant additional access to other locations alleged to be related to the Dair Alzour site and to the locations where the debris from the destroyed building and salvaged equipment had been taken, for the purpose of taking samples and assessing the nature of the building.

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

119. They had unequivocally rejected the use of force as a means of dealing with safeguards related issues, and had condemned the attack by Israel against the facility in Dair Alzour as a flagrant violation of the United Nations Charter and they had considered that it undermined the Agency as the competent and sole authority responsible for verifying and assuring compliance with safeguards agreements. Several members had regretted that the Board had still not expressed itself clearly on that matter and they had felt that double standards were being applied.

120. Some had noted that Israel continued to ignore the Agency by not responding to its requests for clarification in relation to the destruction of the building at Dair Alzour.

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

122. Several members had called upon all relevant States to extend the necessary cooperation to the Agency, and to provide to the Agency all pertinent information in a timely, comprehensive and verifiable manner, which would facilitate the completion of the Agency's assessment.

123. Several members had emphasized the importance of the establishment of a NWFZ in the Middle East.

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

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

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

127. The CHAIRPERSON noted that there had been a request to make public the report of the Director General contained in document GOV/2009/56. However, in view of the Board's discussion in June 2009 on the issue of the derestriction of documents and in view of the lack of consensus among Board members on the early derestriction of that report, it would not be made public.

7. Other matters arising from the fifty-first (2007) and fifty-second (2008) regular sessions of the General Conference:

(a) Application of IAEA safeguards in the Middle East (GOV/2009/44, Corr.1 and Add.1)

128. The CHAIRPERSON drew the Board's attention to document GOV/2009/44 and Corr.1 thereto containing a report by the Director General describing the steps undertaken by him in seeking to fulfil the mandates conferred by the General Conference in its resolution GC(52)/RES/15 and by its decision GC(44)/DEC/12.

129. Mr FIGUEIREDO (Angola)*, speaking on behalf of the African Group, recalled that the Heads of State and Government of NAM at their latest summit, held in Sharm el-Sheikh in July 2009, had reiterated their support for the establishment in the Middle East of a zone free of all weapons of mass destruction. As a priority step towards that end, they had reaffirmed the need for the speedy

establishment of a NWFZ in the Middle East in accordance with Security Council resolution 487 (1981), paragraph 14 of Security Council resolution 687 (1991) and the relevant General Assembly resolutions adopted by consensus. They had also called upon all parties concerned to take urgent and practical steps for the establishment of such a zone and, pending its establishment, they had demanded of Israel, the only country in the region that had neither joined the NPT nor declared its intention to do so, that it renounce the possession of nuclear weapons, accede to the NPT without delay and place promptly all its nuclear facilities under comprehensive Agency safeguards. They had also called for the earliest implementation of relevant Agency resolutions on the application of Agency safeguards in the Middle East, had expressed great concern over the acquisition of nuclear capability by Israel, which posed a serious and continuing threat to the security of neighbouring and other States, and had condemned Israel for continuing to develop and stockpile nuclear arsenals.

130. The African Group noted with regret that the Director General continued to be unable to make further progress in fulfilling his mandate pursuant to resolution GC(52)/RES/15 regarding the application of comprehensive safeguards in the Middle East. The Group also regretted Israel's continued insistence that progress in that regard be made contingent on other developments related to the achievement of peace in the Middle East, rather than contribute to such developments by, inter alia, subjecting its nuclear activities to comprehensive Agency safeguards.

131. The African Group was pleased to note that the Director General had reported that there was a consensus that the global nuclear non-proliferation regime would be further strengthened through the establishment of a NWFZ in the Middle East, and the Group held the view that every effort had therefore to be made with a view to translating that consensus into urgent and practical steps.

132. Furthermore, the African Group welcomed the recent efforts of the Director General aimed at developing the agenda and modalities for the forum on the relevance of the experience of existing NWFZs for establishing a NWFZ in the Middle East. In that connection, the Group stressed that, for that forum to be successful, its agenda must reflect the consensus within the international community on the importance of establishing a NWFZ in the Middle East.

133. Finally, the Group requested the Director General to intensify his consultations with Member States of the Middle East with the aim of fully implementing the previous resolutions of the General Conference related to the application of full-scope safeguards to all nuclear activities in the Middle East.

134. Mr FAWZY (Egypt), speaking on behalf of NAM, referred to paragraph 123 of the final document of the 15th Summit of Heads of State and Government of NAM, held in Sharm el-Sheikh in July 2009:

“The Heads of State and Government reiterated their support for the establishment in the Middle East of a zone free of all weapons of mass destruction. As a priority step to this end, they reaffirmed the need for the speedy establishment of a NWFZ in the Middle East in accordance with the Security Council Resolution 487 (1981) and paragraph 14 of the Security Council Resolution 687 (1991) and the relevant General Assembly resolutions adopted by consensus. They called upon all parties concerned to take urgent and practical steps towards the fulfilment of the proposal initiated by Iran in 1974 for the establishment of such a zone and, pending its establishment, they demanded on Israel, the only country in the region that has not joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) nor declared its intention to do so, to renounce possession of nuclear weapons, to accede to the NPT without delay, to place promptly all its nuclear facilities under IAEA full-scope safeguards according to Security Council Resolution 487 (1981) and to conduct its nuclear related activities in conformity with the non-proliferation regime.

They called for the earliest implementation of relevant IAEA resolutions on “Application of IAEA Safeguards in the Middle East”. They expressed great concern over the acquisition of nuclear capability by Israel which poses a serious and continuing threat to the security of neighbouring and other States, and condemned Israel for continuing to develop and stockpile nuclear arsenals. In this context they also condemned the statement made by the Prime Minister of Israel on 11 December 2006, related to the possession of nuclear weapons by Israel. They urged the continued consideration of the issue of Israeli nuclear capabilities in the context of the IAEA, including at the General Conference at its 53rd Session. They were of the view that stability cannot be achieved in a region where massive imbalances in military capabilities are maintained particularly through the possession of nuclear weapons, which allow one party to threaten its neighbours, and the region. They further welcomed the initiative by H.E. Mr. Mohammed Hosni Mubarak, President of the Arab Republic of Egypt, on the establishment of a zone free from weapons of mass destruction in the Middle East, and in this context, they took into consideration the draft resolution tabled by the Syrian Arab Republic, on behalf of the Arab Group, before the Security Council on 29 December 2003 on the establishment of a zone free of all weapons of mass destruction in the Middle East. They stressed that necessary steps should be taken in different international fora for the establishment of this zone. They also called for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear related scientific or technological fields to Israel. In this regard, they expressed their serious concern over the continuing development whereby Israeli scientists are provided access to the nuclear facilities of one NWS. This development will have potentially serious negative implications on security in the region as well as the reliability of the global non-proliferation regime.”

135. NAM noted with regret the Director General’s finding that he continued to be unable to make further progress in fulfilling his mandate pursuant to resolution GC(52)/RES/15 regarding the application of comprehensive Agency safeguards in the Middle East. It noted that the Director General would continue with his consultations in accordance with his mandate regarding the early application of comprehensive Agency safeguards on all nuclear activities in the Middle East.

136. NAM also regretted Israel’s continued insistence that progress towards a NWFZ be made contingent on other developments related to the achievement of peace in the Middle East, rather than contribute to such developments.

137. NAM welcomed the Director General’s finding that there was a continuing consensus that the global nuclear non-proliferation regime would be further strengthened through the establishment of a NWFZ in the Middle East, and it held the view that every effort must therefore be made with a view to translating that consensus into urgent and practical steps.

138. Furthermore, NAM took note of the recent efforts of the Director General aiming at developing the agenda and modalities for the forum on the relevance of the experience of existing NWFZs for establishing a NWFZ in the Middle East. In that connection, NAM stressed that, for that forum to be successful, its agenda should reflect the consensus within the international community on the importance of establishing a NWFZ in the Middle East. In that regard, NAM requested the Director General to continue consultations with Member States of the Middle East in an effort to achieve consensus by convergence of views on the agenda and modalities of the forum.

139. Mr AL-SAUD (Saudi Arabia) said that the Director General had been tasked by the General Conference to continue consultations with States of the Middle East to facilitate the early application of comprehensive Agency safeguards to all nuclear activities in the region; to prepare model

agreements for that; and, with States from the region and interested parties, to convene a forum to learn from the experience of other NWFZs, and to develop an agenda for it and modalities for its success. Also, resolution GC(52)RES/15 urged States, and those with a special responsibility for the maintenance of international peace and security, to cooperate with the Director General in his tasks. Saudi Arabia believed that the resolution reflected the international community's strong desire to apply comprehensive safeguards and promote nuclear non-proliferation in the Middle East.

140. Successive General Conference resolutions had called upon parties to take the necessary and practical steps, including verification and confidence building, in order to implement the proposal to establish a mutually and effectively verifiable NWFZ in the Middle East.

141. Further, the General Assembly had unanimously adopted a number of resolutions on the establishment of a NWFZ in the region, and the 1995 and 2000 NPT Review Conferences had called for the same.

142. The Director General's report referred to all the efforts he had undertaken to discharge the mandates entrusted to him. Regrettably, no progress had been made and the situation in the Middle East in that regard remained unchanged. Israel was the only State in the Middle East which remained outside the NPT regime, whereas all the other States in the region were parties to the NPT and were complying with the Agency's comprehensive safeguards regime.

143. Saudi Arabia therefore appealed to all States, especially those with a special responsibility for the maintenance of international peace and security, to step up their efforts and exercise pressure in support of the universality of comprehensive Agency safeguards and in pursuit of a NWFZ in the Middle East, which would contribute to peace, security and stability in the region and throughout the world.

144. Mr BERDENNIKOV (Russian Federation) said that his country consistently supported universalization of the NPT, strengthening of the non-proliferation regime through the establishment of NWFZs, in particular in the Middle East, and the application of comprehensive Agency safeguards to all States of the region. Such zones were an important tool for strengthening peace and security.

145. Russia supported the proposal to convene a forum for Middle East States to learn from the experience of other regions, including in the area of confidence building, with a view to the establishment of a NWFZ.

146. Russia noted, as the Director General had reported, that all but one of the States of the Middle East region had signed safeguards agreements with the Agency. Russia called on the countries of the region which had not brought those agreements into force to do so as soon as possible. Russia supported the Director General's proposal to continue consultations with the States of the Middle East regarding the application of comprehensive safeguards to all forms of nuclear activity in the region.

147. Mr DAVIES (United States of America) noted with disappointment that the Director General's report did not address the issue of certain regional parties' compliance with their existing Agency safeguards agreements and the negative effect those compliance issues had on hopes for a Middle East free of weapons of mass destruction. The United States noted that resolution GC(52)RES/15 contained an operative paragraph calling on all States in the region to comply with their international obligations and commitments relating to safeguards, which was not referred to in the Director General's report.

148. The item under discussion reflected the common striving for a Middle East free of all weapons of mass destruction, including nuclear weapons. The United States recognized that as an important issue and continued to believe it to be an achievable goal. However, it was not one that could be achieved quickly or in the absence of progress in other areas. A good start could be made by reaching

consensus on the Middle East issues facing the General Conference the following week. The United States of America was committed to working with others to achieve consensus on those issues and on an agenda for the forum.

149. Ms GOICOCHEA ESTENOZ (Cuba) reaffirmed her country's support for the establishment of a NWFZ in the Middle East, something which the international community had been calling for continuously over recent decades. Such a step would entail that Israel accede to the NPT as a non-nuclear State, submit its nuclear facilities to Agency comprehensive safeguards and carry out its nuclear related activities in accordance with the non-proliferation regime. At the same time, the Government of the United States of America should halt the transfer of nuclear related equipment, information, material, facilities, resources and devices to Israel, as well as the provision of technical assistance to that country in nuclear related areas of science and technology. That was the only way to put into practice the proposal to establish a NWFZ in the Middle East, which would be a major contribution to peace and stability in the region and in the world.

150. Mr FAWZY (Egypt) said that the Director General's report included a number of important points, foremost among them being the Agency's continued inability to apply comprehensive safeguards to all nuclear facilities in the Middle East for one single reason, namely, Israel's refusal to accede to the NPT and place its facilities under comprehensive safeguards under the pretext that a precondition should be the achievement of a comprehensive peace in the Middle East.

151. A number of Member States turned a blind eye to Israel's position and the ensuing dangers for the Middle East, which unquestionably reduced their credibility and adversely affected the non-proliferation regime.

152. The principle of applying safeguards and renouncing the nuclear armament option must be applied equally to all parties and not in a selective manner. Constraints were imposed on some States and they were required to assume additional obligations while a blind eye was turned to one State and its intransigent position was protected with a political shield of immunity against the international consensus reflected in resolutions of the Security Council and General Assembly, as well as the Agency's General Conference, regarding the establishment of a NWFZ in the Middle East. The continuing imbalance made it incumbent upon various international forums, foremost among them the Agency, to take practical steps without delay to discharge their responsibilities in accordance with the relevant resolutions to confront that serious threat to regional and international security.

153. A comprehensive and just peace in the Middle East would never be achieved without a balanced and stable security system. There was no doubt that such a security system would only be achieved by ridding the entire region of nuclear weapons. It was not reasonable to expect the international community and the peoples of the region to accept a premise based on the reverse logic that first comprehensive peace should be achieved, and only then nuclear disarmament considered, as Israel wished to do. All the more so as such logic could only reinforce the feeling among the other States of the region that possessing nuclear weapons was necessary to guarantee their security. That convoluted logic was merely procrastination and prevarication and the opposite of what was required to establish a NWFZ in the Middle East, namely, successive steps to establish a regime to verify existing nuclear capabilities and place such capabilities under international inspection and control.

154. In that context, Egypt called on Israel to adopt a serious and positive stance that corroborated its declared support for a NWFZ and to start by placing all its nuclear facilities under the safeguards system and unconditionally accede to the NPT without prevarication and procrastination. Egypt urged all Member States to attach due priority to that goal in keeping with General Conference resolutions and also with Security Council resolution 487, adopted in 1981 and still not implemented.

155. While expressing its frustration and concern at the absence of any progress towards implementing General Conference resolutions on the application of safeguards in the Middle East, and at the diminishing support on the part of a number of international parties for that undertaking, Egypt urged the Director General and Member States to pursue efforts towards implementation. Egypt was prepared to offer support and cooperation to the Director General to take all necessary steps to implement those resolutions and intensify his consultations with the States of the region regarding the application of comprehensive safeguards to all the nuclear installations in the region as a prelude to arrangements for the establishment of a NWFZ in the Middle East.

156. Egypt attached importance to the proposal that the Agency convene a forum in which the Middle East might benefit from the experience of other regions in establishing NWFZs. His delegation appreciated the Director General's tireless efforts to arrive at a consensus which reflected the opinion of the great majority of the States of the region regarding the forum's agenda and procedural arrangements.

157. Unfortunately, instead of dealing with that matter with the requisite objectivity and seriousness, Israel continued to hamper efforts to hold that forum, trying in every way to render its content meaningless and use it to cast doubt on the benefits which the Middle East might reap from the experience of other geographical regions. Egypt called on all the parties concerned to exhibit the necessary flexibility to successfully organize that important forum, which might represent an opportunity to revive talks on the practical steps that would be needed to establish a NWFZ in the Middle East and on the role expected of the Agency in that endeavour.

158. Mr MINTY (South Africa) said that his country had consistently expressed support in various forums for the establishment of a NWFZ in the Middle East and had called upon Israel to accede to the NPT and place all its nuclear facilities under Agency full-scope safeguards without delay.

159. The South African delegation expressed its full support for the Director General's efforts to convene a forum and urged all States in the Middle East to make every effort to ensure the early establishment there of a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems.

160. South Africa reiterated its view that treaties establishing NWFZs were an integral and indispensable part of the non-proliferation regime. Such treaties not only enhanced global and regional peace and security, but also strengthened the nuclear non-proliferation regime, thereby contributing to the objectives of nuclear disarmament.

161. In that context, South Africa welcomed the entry into force of the Central Asian Nuclear-Weapon-Free Zone (CANWFZ) on 21 March 2009 and of the Pelindaba Treaty on 15 July 2009 with the 28th ratification, by Burundi, as another milestone towards a world free of nuclear weapons.

162. Mr KHELIFI (Algeria) deplored the persistent lack of progress in implementing Agency full-scope safeguards in all States of the Middle East as a means to provide credible assurances concerning nuclear non-proliferation in that sensitive region.

163. His delegation reaffirmed its confidence in the Agency as an institution duly mandated to verify compliance with commitments regarding the exclusively peaceful nature of the nuclear programmes of Member States and underscored the importance of the Agency's role in maintaining peace and security.

164. The Director General continued to be prevented from discharging the mandate entrusted to him by the General Conference by Israel's persistent refusal to accede to the NPT and to submit all its

nuclear facilities to Agency verification, despite the fact that all of its neighbours were cooperating fully with the Agency in regard to their obligations as parties to the NPT.

165. The obstruction of the application of safeguards in the Middle East that had been noted, in particular in the context of declarations by Israeli officials affirming that their country possessed nuclear arms, was a source of concern. That impasse, which was inconsistent with international commitments undertaken with respect to disarmament and non-proliferation, aggravated the security imbalance which continued to characterize the Middle East.

166. The existence of a nuclear power in the Middle East exacerbated feelings of insecurity and fed the legitimate concerns of other States in the region which were deprived of all negative security assurances with respect to the only country in the region, a non-party to the NPT, whose security was based on nuclear deterrence.

167. As the first African State to ratify the Pelindaba Treaty, which had recently entered into force establishing the African continent as a NWFZ, Algeria urged that efforts be redoubled to establish a similar zone in the Middle East as an important regional confidence-building measure.

168. In that context, accession to the NPT by all countries of the region without exception and submission of all their facilities to Agency verification would be important milestones towards building confidence and cooperation at the regional level.

169. The Algerian delegation encouraged the Director General to continue his efforts to apply safeguards in the Middle East and to organize a forum under Agency auspices on creating a NWFZ zone in the Middle East taking into account lessons learned in other regions, including on confidence building.

170. The international community's recent initiatives to rid the world of weapons of mass destruction, including nuclear weapons, augured well for the reinvigoration of the Director General's mandate. In conclusion, Algeria reiterated its confidence in the Director General.

171. Mr LÜDEKING (Germany) said that it was perhaps not surprising that the Director General reported that significant differences continued to exist between Israel and other States of the region. That underscored the importance in the Middle East of confidence building, a process where solutions could not be imposed, and cooperation and dialogue were essential.

172. Germany noted the Director General's continuing efforts to implement decision GC(44)/DEC/12 with a view to convening a forum on the relevance of the experience of existing NWFZs for the establishment of such a zone in the Middle East. Germany welcomed the fact that there seemed to be a developing convergence of views on convening the forum.

173. Germany also noted that consensus regarding the agenda still seemed elusive. However, looking at the responses, in particular by Israel and Egypt, to the letter sent by the Agency to Member States of the Middle East, Germany got the impression that those differences were not unbridgeable. It therefore strongly encouraged the Secretariat and the Director General to continue their efforts and their consultations with the relevant parties to convene the forum at an early date.

174. Mr MICHAELI (Israel)* said that he would refrain from commenting on inaccurate and untrue elements contained in previous statements, especially by one group. He would also refrain from commenting on the desire expressed in some statements to abandon the practice of all other NWFZs to reach an agreement by States without their talking to each other.

175. The outcome of the 52nd General Conference's work on the agenda items on the Middle East had not benefited the Agency or any Member State. Israel believed that that lamentable experience should not be repeated.

176. In Israel's view, regaining consensus on issues relating to the Middle East in the forthcoming General Conference was necessary for promoting the real purposes of the Agency. It was also important for promoting the shared vision of a higher level of regional security in the Middle East, including the establishment of the region as a zone free of weapons of mass destruction and ballistic missiles.

177. Recalling that in the past three years consensus had been unattainable in spite of efforts by Israel and others, he called on all Member States of the Middle East to manifest a similar willingness to engage in serious negotiations. Israel was aware of the different positions on many issues, but was confident that if all shared the will to avoid the chaotic events of the previous year, a compromise could be found that would not be incompatible with the interests of any Member State. Israel was ready to engage immediately in such negotiations, hoping to make the best of the short time available.

178. The alternative was continued disagreement and political bickering that would again gradually divert the entire General Conference from its main course and desired goals. Israel hoped that the General Conference would not be forced to go down that sorrowful path again.

179. The Director General's report on the Middle East could have been objective if necessary elements had not been lacking. For example, resolution GC(52)/RES/15 contained an operational paragraph calling upon all States in the region of the Middle East to comply with their international obligations and commitments relating to safeguards and to cooperate fully with the Agency. Given that the same resolution requested the Director General to report on its implementation, the General Conference must have been expecting a report on the resolution as a whole. He noted that the Director General's report avoided any reference to the problematic situation surrounding compliance in the Middle East. In fact, five States in the Middle East had been found to be in serious breach of their obligations and commitments in the nuclear domain. Some were still under investigation by the Agency, a process they were hampering. Of all the known cases in the Agency's history of gross violation of safeguards obligations, only one had taken place outside the Middle East.

180. That staggering level of non-compliance in the Middle East was fully recognized by the international community. It had a serious global impact, but it also had a most important regional impact. Yet, it was disregarded by the Director General's report on the Middle East.

181. Ignoring regional realities did not contribute to preventing the spread of nuclear weapons. It also rendered a disservice to attempts to establish the Middle East as a zone free of weapons of mass destruction and ballistic missiles. Compliance was an essential confidence-building measure on the long road to a stable and secure region, including the establishment of such a zone. In the absence of an established norm of compliance, there was little guarantee that an agreement on the Middle East as such as zone would enjoy a better fate.

182. Mr TAJOURI (Libyan Arab Jamahiriya)* said that Libya thanked the Director General for his strenuous and tireless efforts in discharging the mandate entrusted to him regarding the application of comprehensive Agency safeguards to all nuclear activities in the Middle East. Regrettably, those efforts and the relevant discussions had not led to any progress owing to the intransigence of Israel, which had refused to cooperate with the Director General in the application of the comprehensive Agency's safeguards to all its nuclear facilities, invoking baseless and flimsy pretexts. Israel continued to stress the link between the possession of nuclear weapons and the peace process in the region. In addition, it said that its possession of nuclear weapons was justified under its nuclear doctrine. That

was extremely serious and constituted a real threat to security in the Middle East. The region was standing on the brink of war and conflict, perhaps even a nuclear arms race.

183. Therefore the Libyan delegation expressed its grave concern over the threat posed to the Middle East by Israel's possession of weapons of mass destruction, especially nuclear weapons and their means of delivery. Israel was persistently following that path, and had even admitted that it possessed nuclear weapons. That posed a grave security threat to the already tense region.

184. The 1995 NPT Review Conference had adopted a resolution aimed at making the Middle East a NWFZ. It had been an important part of the package for indefinite extension of the NPT. Further, the 2000 NPT Review Conference had adopted 13 steps providing, inter alia, for implementation of the 1995 resolution on the Middle East. As a result, all the Arab States had acceded to the NPT, but Israel, the only State in the region to do so, had refused to accede to the Treaty, accept comprehensive Agency safeguards or sign an additional protocol.

185. Libya urged all States, especially the NPT depository States, to shoulder their responsibilities and bring pressure to bear on Israel to accede to the Treaty at an early date as a non-nuclear weapon State and place all of its facilities under the control of the Agency's inspectors. Libya underscored that there was no link whatsoever between the application of comprehensive Agency safeguards to all nuclear activities in the Middle East and the creation of a NWFZ there or the achievement of security and peace in the region.

186. Libya urged the Director General and the Secretariat to pursue their efforts towards the early application of safeguards to all nuclear activities in the region without distinction.

187. Mr SOLTANIEH (Iran)* recalled that Iran's position since 1974 had been to take steps in the direction of a NWFZ in the Middle East. It was a pity that a vicious cycle had developed. Rigorous diagnosis led to the conclusion that there was only one obstacle, namely the Zionist regime of Israel, the very existence of which was illegal. It had committed acts of aggression and occupation and, of relevance to the Agency, an armed attack against a nuclear installation.

188. As part of the consensus in the 1995 NPT Review and Extension Conference, it had been understood by all that compromise had been reached for the unlimited extension of the NPT, provided that a NWFZ in the Middle East would be established. That approach had been reaffirmed in the 2000 NPT Review Conference.

189. Therefore, the parties to the NPT should speak with one voice. Iran, which had expected that those who spoke frequently as proponents of the NPT would harshly criticize Israel as the main obstacle to achieving this NWFZ in the Middle East, saw very little expression of that concern, which raised the question of credibility and amounted to a double standard.

190. He recalled that Iran had earlier requested that the Director General send a fact-finding mission, given that the Prime Minister of Israel had announced that Israel possessed nuclear weapons and the representative of that country had denied it. Who was telling the truth? Did they have nuclear weapons or did they not? The Agency was the only international organization which could legitimately find out. Iran, once again, officially requested that the Director General dispatch inspectors for that purpose to report at the next meeting of the Board or General Conference on the facts.

191. The CHAIRPERSON reminded those present that, despite their divergent views, their primary and essential function as diplomats was to confront problems, including the problem of the Middle East, to promote dialogue, be imaginative, and to find the ways and means, if not to understand, then at least not to aggravate existing disagreements. The problem of the Middle East was a serious one on which there were divergent views, and one ought not pretend otherwise. However, it was incorrect to suggest, as some had done, that discussing the problem would cause serious harm to the Agency.

Suppressing discussion would be far more harmful. The most important task, difficult though it might be, was to uphold the spirit of peaceful dialogue and keep channels of communication open.

192. The CHAIRPERSON, summing up, said that support had been expressed for the Director General's efforts to carry out his mandate to implement the relevant General Conference resolutions. However, several members had expressed regret at the inadequate progress achieved on the implementation of those resolutions.

193. Several members had welcomed the Director General's finding that there was a continuing consensus that the global nuclear non-proliferation regime would be further strengthened through the establishment of a NWFZ in the Middle East, and had urged that every effort be made with a view to translating that consensus into urgent and practical steps.

194. Several members had called on Israel, being the only country in the region which had not yet done so, to accede to the NPT and place all its nuclear material and facilities under the Agency's comprehensive safeguards.

195. Some members had expressed the view that the continued application of double standards in addressing the nuclear threat in the Middle East was not acceptable and undermined the credibility of the nuclear non-proliferation regime.

196. Some had expressed disappointment that the Director General's report had not made reference to the issue of compliance with safeguards obligations in the Middle East.

197. Some members had called on all parties concerned to work constructively towards ensuring that nuclear programmes in the Middle East were dedicated exclusively to peaceful purposes.

198. Some members had emphasized the importance of dialogue and confidence building in addressing the challenges facing the Middle East in that regard.

199. The relevance of convening a forum on experiences relevant to the creation of a NWFZ in the Middle East, mandated by the 44th regular session of the General Conference, had been highlighted.

200. Several members had stressed that for the forum to be successful, its agenda should reflect the international consensus on the importance of establishing a NWFZ in the Middle East.

201. Several members had welcomed the fact that the Director General's report indicated a possible convergence of views on convening the forum and had requested that the Director General continue consultations with the Member States of the Middle East in that regard.

202. She assumed that the Board wished to take note of the Director General's report contained in document GOV/2009/44, which would also be before the General Conference pursuant to the request made of the Director General in resolution GC(52)/RES/15.

203. It was so decided.

The meeting rose at 6.10 p.m.