

## **IAEA Board of Governors**

Record of the 1257<sup>th</sup> Meeting  
GOV/OR.1257

### **Nuclear Verification**

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

# Board of Governors

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## Record of the 1257<sup>th</sup> Meeting

*Held at Headquarters, Vienna, on Thursday, 26 November 2009, at 3.20 p.m.*

### Contents

Item of the agenda <sup>1</sup>	Paragraphs
4 Nuclear verification	1–193
(a) The conclusion of safeguards agreements and of additional protocols	1–8
(b) Application of safeguards in the Democratic People’s Republic of Korea	9–60
(c) Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran	61–193

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<sup>1</sup> GOV/2009/83.



## 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.)

Mr ARSHAD	Chairman (Malaysia)
Mr FERUTĂ	Vice-Chairman (Romania)
Mr SHOOGUFAN	Afghanistan
Mr CURIA	Argentina
Mr POTTS	Australia
Mr ISMAYILOV	Azerbaijan
Mr VALLIM GUERREIRO	Brazil
Mr SOULAMA	Burkina Faso
Mr MPAY	Cameroon
Mr BARRETT	} Canada
Mr WOOD	
Mr HU Xiaodi	China
Mr CODORNIU PUJALS	Cuba
Mr BERNHARD	Denmark
Mr FAWZY	} Egypt
Mr SIRRY	
Mr MONDOLONI	France
Mr LÜDEKING	Germany
Mr PATNAIK	India
Mr NAKANE	Japan
Mr YATANI	Kenya
Mr SHIM Yoon-Joe	Korea, Republic of
Ms MOHAMED KHAIRULLAH	Malaysia
Mr ENKHSAIKHAN	Mongolia
Mr HAMER	Netherlands
Ms MACMILLAN	New Zealand
Mr ANWAR	Pakistan
Mr GARCÍA REVILLA	Peru
Mr NECULĂESCU	Romania
Mr BERDENNIKOV	Russian Federation
Mr MINTY	South Africa
Mr ROSELLÓ SERRA	Spain
Mr STEINMANN	Switzerland
Mr FIDAN	Turkey
Mr YEL'CHENKO	} Ukraine
Mr POKOTYLO	
Mr SMITH	United Kingdom of Great Britain and Northern Ireland
Mr DAVIES	United States of America
Mr VEDOVATTI RAFFO	Uruguay
Mr UZCÁTEGUI DUQUE	Venezuela, Bolivarian Republic of

## Attendance (continued)

Mr ELBARADEI  
Mr ANING

Director General  
Secretary of the Board

## Representatives of the following Member States also attended the meeting:

Algeria, Angola, Armenia, Austria, Belarus, Belgium, Bolivia, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, Greece, Guatemala, Holy See, Hungary, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Israel, Italy, Jordan, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malta, Mexico, Morocco, Namibia, Nigeria, Norway, Philippines, Portugal, Qatar, Saudi Arabia, Serbia, Slovakia, Slovenia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Tunisia, United Arab Emirates, Uzbekistan, Vietnam, Yemen and Zimbabwe.

## Abbreviations used in this record:

CTBT	Comprehensive Nuclear-Test-Ban Treaty
DPRK	Democratic People's Republic of Korea
EFTA	European Free Trade Association
FEP	Fuel Enrichment Plant
FFEP	Fordow Fuel Enrichment Plant
FMP	Fuel Manufacturing Plant
LEU	low-enriched uranium
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	nuclear-weapon-free zone
P-5	The five permanent members of the United Nations Security Council
PFEP	Pilot Fuel Enrichment Plant
R&D	research and development
SQP	small quantities protocol
UCF	Uranium Conversion Facility

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

## 4. Nuclear verification

### (a) The conclusion of safeguards agreements and of additional protocols (GOV/2009/78)

1. The CHAIRMAN said that the Board had before it in document GOV/2009/78 an additional protocol to be concluded with the Kingdom of Bahrain.
2. Mr DAVIES (United States of America) welcomed the decision made by the Kingdom of Bahrain to conclude an additional protocol. The ratification of additional protocols strengthened the Agency and the nuclear non-proliferation regime as a whole. The United States hoped to work together with the Agency and with States that had additional protocols in force to increase the momentum towards making a safeguards agreement together with an additional protocol the verification standard in the nuclear non-proliferation regime. Only through that combination could the Director General draw conclusions about the absence of undeclared nuclear material and activities.
3. The additional protocol served as an important confidence-building measure. By adopting and implementing the additional protocol, countries that had or were planning significant nuclear activities gave their neighbours additional confidence that their pursuits were purely peaceful. The United States called on all States to conclude and implement an additional protocol.
4. The United States also called on those States that had not fulfilled their NPT obligation to take steps to expedite the conclusion and entry into force of their comprehensive safeguards agreements.
5. Noting the slow pace of the adoption of the modified SQP, his country called upon those States that had not already done so to conclude and bring into force revised SQPs.
6. Mr POTTS (Australia) said that the additional protocol was necessary for the Agency to provide assurances about the absence of undeclared nuclear material and activities. He therefore welcomed the decision by the Kingdom of Bahrain to conclude an additional protocol with the Agency, which would also help to build confidence in the Middle East region and beyond. Australia urged all States that had not yet brought into force an additional protocol to follow Bahrain's example.
7. The CHAIRMAN took it that the Board wished to take the action recommended in document GOV/2009/78 and authorize the Director General to conclude, and subsequently implement, the additional protocol with the Kingdom of Bahrain.
8. It was so decided.

### (b) Application of safeguards in the Democratic People's Republic of Korea (GOV/2009/73/Add.1)

9. The CHAIRMAN recalled that the item had been placed on the Board's agenda at the request of the Republic of Korea, Japan and the United States of America.
10. Mr SHIM Yoon-Joe (Republic of Korea) expressed appreciation of the Agency's efforts over the previous 12 years under the leadership of the Director General to conduct monitoring and verification activities in the DPRK. Although there had been many ups and downs in the Agency's engagement in the DPRK nuclear issue, his country firmly believed that the Agency's verification role would continue to be an essential part of the DPRK's denuclearization process.

11. His delegation was deeply concerned that the DPRK continued to defy the international community's consistent demands for denuclearization. The DPRK had taken a series of provocative actions throughout the year by conducting a second nuclear test and launching ballistic missiles and a long-range rocket, in clear violation of relevant Security Council resolutions. The DPRK had even claimed in a letter to the President of the Security Council that it would continue its nuclear activities, including the weaponization of plutonium and uranium enrichment, and had announced that it had completed the reprocessing of spent fuel rods.

12. Despite recent conciliatory gestures by the DPRK, including the family reunion event and the inter-Korean Red Cross talks, his country continued to believe that there had been no substantive change in the DPRK's nuclear ambition. The Republic of Korea would pursue the two-track approach of trying to engage the DPRK in a process of dialogue, while faithfully implementing relevant Security Council resolutions, unless the DPRK took meaningful steps to denuclearize.

13. He hoped that the decision of the United States to send the Special Representative for North Korea Policy to Pyongyang on 8 December would pave the way for the resumption of the six-party talks, which were the best framework for dealing with the DPRK nuclear issue.

14. The President of the Republic of Korea had recently proposed a new initiative known as the 'Grand Bargain', aimed at achieving a comprehensive solution in a single package to address all relevant issues, including irreversible denuclearization measures by the DPRK and corresponding actions by the five other parties. That initiative constituted a departure from the unsuccessful approach of the past where the DPRK could take reversible measures at any time. The Republic of Korea had held consultations on the initiative with the countries concerned to convince the DPRK of the benefits to be gained from complete, verifiable and irreversible denuclearization.

15. Mr LUNDBORG (Sweden)\*, speaking on behalf of the European Union, the candidate countries Croatia, the Former Yugoslav Republic of Macedonia and Turkey, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine, reiterated the European Union's grave concern over the decision of the Government of the DPRK to cease all cooperation with the Agency and urged the DPRK to allow the early return of Agency inspectors. The DPRK should cooperate promptly with the Agency in the full and effective implementation of Agency comprehensive safeguards and in resolving any outstanding issues that might have arisen due to the long absence of Agency safeguards.

16. The European Union strongly condemned the test of a nuclear explosive device and other provocative actions by the DPRK, including its announcement in a letter to the Security Council on 4 September 2009 of the weaponization of extracted plutonium from the reprocessing of spent fuel rods and the fact that experimental uranium enrichment had entered the completion phase. The European Union was deeply concerned by the DPRK's recent announcement that the reprocessing facility at Yongbyon had been restarted and that the reprocessing of 8000 spent fuel rods had been completed, in clear violation of Security Council resolutions.

17. The European Union urged the DPRK to abandon and completely dismantle any nuclear weapons related programme in a prompt, transparent, verifiable and irreversible manner. The DPRK must comply fully, unconditionally and without delay with all its international obligations, as set out in Security Council resolutions 1695 (2006), 1718 (2006) and 1874 (2009), and in its NPT safeguards agreement. It also called upon all countries to implement Security Council resolution 1874.

18. The European Union fully supported the efforts of the six-party talks, aimed at the complete, irreversible and verifiable disablement and dismantlement of all nuclear weapons and existing nuclear

programmes in the DPRK. There was an urgent need for a resumption of those talks. The European Union strongly urged the DPRK to return immediately and without precondition to the negotiating table.

19. Lastly, the European Union requested that the item be kept on the agenda of the Board.

20. Mr HU Xiaodi (China) said that his country had consistently advocated a peaceful solution to the DPRK nuclear issue by means of dialogue. There had recently been positive developments. During the visit of the Premier of the Chinese State Council to the DPRK in October, the DPRK had indicated that there had been no change in its aim to achieve denuclearization of the Korean Peninsula and had expressed a willingness to hold multilateral negotiations. Resumption of the six-party talks, which constituted a practical and feasible means of resolving the DPRK nuclear issue, easing tension and enhancing regional stability, would depend, however, on the outcome of the contact between the United States of America and the DPRK. China hoped that the conditions necessary for early resumption of those talks would be created.

21. China was prepared to work with all interested parties to find a solution that adequately addressed their concerns, with a view to achieving denuclearization of the Korean Peninsula, normalization of relations and long term security and stability in north-east Asia.

22. Mr POKOTYLO (Ukraine), having condemned the tests of a nuclear explosive device by the DPRK in 2006 and 2009, called on that country to dismantle completely and irreversibly all its nuclear weapons related programmes, and comply fully and unconditionally with Security Council resolutions 1695 (2006), 1718 (2006) and 1874 (2009), and its NPT safeguards agreement. Ukraine strongly urged the DPRK to return without any preconditions to the six-party talks and emphasized the need for all political opportunities to be explored, including on a bilateral level, to achieve denuclearization of the Korean Peninsula.

23. Mr BARRETT (Canada) said his country remained deeply concerned about the nuclear activities in the DPRK. The Agency and its Member States must continue to remain seized of the matter, as agreed by the General Conference at its 53rd session. The nuclear test carried out by the DPRK on 25 May and other provocative actions over the previous year posed a grave threat to regional and international security and constituted a serious challenge to the nuclear non-proliferation and disarmament regime.

24. Canada was also deeply concerned about the DPRK's decision to cease all cooperation with the Agency and the fact that, as a result, the Agency was not able to provide any conclusions regarding the DPRK's nuclear activities. Canada fully supported international calls for the DPRK to return at an early date to the NPT and to cooperate with the Agency in full implementation of its NPT comprehensive safeguards agreement. It also strongly supported the efforts of the Security Council in that regard and called on the DPRK to comply fully with its obligations under the relevant Security Council resolutions.

25. Canada, which continued to favour a negotiated multilateral solution, hoped for an expeditious resumption of the six-party talks. The DPRK should resume that dialogue without delay and comply with all the commitments it had entered into previously. He called on all members of the Agency to support the process and requested that the matter remain on the Board's agenda until it had been successfully resolved.

26. Mr FAWZY (Egypt) emphasized the strategic importance his country attached to the multilateral international regime for nuclear disarmament and non-proliferation, the most important element of which was the NPT.

27. In that context, Egypt supported the positive steps taken in the framework of the six-party talks in previous years, which were in line with a number of important principles upheld by Egypt, including the establishment of NWFZs as an effective means of helping to achieve nuclear disarmament and to ensure the universality of the NPT. The international nuclear non-proliferation and disarmament regime, of which the Agency was one of the most important pillars, must shoulder its responsibilities vis-à-vis the Middle East, which currently represented the most important gap in that regime. In light of the fact that General Conference resolutions had pointed to keeping the issue of Israeli nuclear capabilities under consideration, like the case of the DPRK, it might be appropriate to consider including an item on the application of Agency safeguards in Israel on the agenda of the Board.

28. His delegation stressed the pivotal role of the Agency, which was the only international organization technically competent to verify nuclear programmes and activities and apply safeguards. Thus, it should be directly involved in the six-party talks process, instead of being limited to serving as a debating forum, and help to build on the latest positive developments with a view to the DPRK resuming its membership of the Agency and the NPT as a non-nuclear State.

29. Mr NAKANE (Japan) said that the implications of the DPRK nuclear issue for the international non-proliferation regime were strong arguments for the Board to consider the matter. He requested that the item be included on the Board's agenda until the issue had been successfully resolved.

30. It was regrettable that the DPRK had not made any positive moves towards settlement of its nuclear issues despite the deep concerns expressed by the international community through the adoption by consensus of General Conference resolution GC(53)/RES/15. Although the DPRK had allegedly indicated during the visit by the Premier of China's State Council in October that it might return to the six-party talks, it had yet to make any concrete moves in that regard. On the contrary, on 3 November, the DPRK had announced that it had completed the reprocessing of the spent fuel rods.

31. The DPRK should refrain from any action that could escalate tensions. It should comply with the relevant Security Council resolutions and not conduct any further nuclear tests. It should abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, cease all related activities immediately and return to full compliance with the NPT and Agency safeguards. It was also important that Member States continued to implement fully the relevant Security Council resolutions.

32. Japan would continue to pursue the comprehensive resolution of issues of concern through the six-party talks. It urged the DPRK to return immediately to those talks and to agree to implement fully the Joint Statement of 19 September 2005.

33. Mr POTTS (Australia), having welcomed the inclusion of the item on the Board's agenda, expressed regret about the DPRK's decision to cease all cooperation with the Agency and its April 2009 demand that Agency inspectors remove all containment and surveillance equipment and leave the DPRK. Its nuclear test on 25 May 2009 had been an unacceptable, provocative and destabilizing act, in flagrant contravention of its international obligations, and its announcement of 4 September that it had completed an experiment for the enrichment of uranium was a cause of grave concern.

34. Australia welcomed Security Council resolution 1874 (2009), which sent a clear and united signal from the international community that the DPRK must end its nuclear weapons programme. Australia called on the DPRK to abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, cease all related activities, and act strictly in accordance with the NPT and its Agency safeguards agreement.

35. Australia welcomed the efforts of the United States of America to encourage the DPRK to return to the six-party talks and to get that process back on track. It strongly urged the DPRK to return to a constructive dialogue and implement the commitments it had already made within the framework of the six-party talks. Also, it called upon the DPRK to comply with all relevant Security Council resolutions and to resume its cooperation with the Agency.

36. Finally, he requested the Director General to continue to report to the Board on the implementation of safeguards in the DPRK.

37. Ms MACMILLAN (New Zealand) said that her country shared the Director General's concern about the lack of progress on the DPRK nuclear issue and noted with regret that that DPRK had not re-engaged with the Agency following its announcement in April that it would be ceasing cooperation with the Agency, reactivating all of its facilities and proceeding with the reprocessing of spent fuel. New Zealand was deeply concerned at the DPRK's recent announcement that it had completed the reprocessing of approximately 8000 spent fuel rods at the Yongbyon nuclear complex.

38. New Zealand had joined many other countries in condemning the DPRK's second nuclear test on 25 May 2009 as a provocative and destabilizing act that had undermined the positive momentum on nuclear disarmament and non-proliferation witnessed in recent months. Her country had consistently registered its disappointment at the DPRK's actions to develop its nuclear programme, including through its ongoing support for measures adopted by the Security Council in response to events in the DPRK.

39. She drew attention to General Conference resolution GC(53)/RES/15, which stressed the importance of the full implementation of the September 2005 Joint Statement, and called upon the DPRK to come into compliance with the NPT, cooperate promptly with the Agency in the full and effective implementation of its safeguards agreement, and to resolve any outstanding issues that might have arisen due to the long absence of Agency safeguards.

40. New Zealand continued to urge the DPRK to reopen the dialogue through the six-party talks and to return to full compliance with its international obligations. It echoed others in supporting retention of the item on the Board's agenda.

41. Mr CODORNIU PUJALS (Cuba) said that his delegation would have preferred it if the item had not been included on the agenda of the current session of the Board because there had been no new developments. Convinced that the total elimination of nuclear weapons and nuclear testing was the only way to help guarantee international peace and security, Cuba stressed the need to work even harder to achieve those goals.

42. Cuba wanted a denuclearized Korean Peninsula and it firmly believed that peaceful diplomacy and dialogue should be continued with a view to finding a long term solution to the problem. His country reaffirmed its position of principle regarding nuclear disarmament and stressed its concern at the threat to humanity posed by the existence of nuclear weapons and their possible use or the threat thereof. It was deeply concerned at the slow progress towards nuclear disarmament and at the lack of progress by the nuclear-weapon States towards the total elimination of their arsenals. He appealed to all the nuclear-weapon States to fulfil their obligations under Article VI of the NPT and to accelerate implementation of the results achieved at the 1995 and 2000 NPT Review Conferences, in particular the thirteen steps agreed upon at the 2000 Conference.

43. Mr DAVIES (United States of America) said that irreversible and verifiable denuclearization of the DPRK remained a critical imperative for regional and global security, including the integrity of the nuclear non-proliferation regime. The DPRK's ballistic missile launches, announced nuclear tests and its actions in contravention of its six-party commitments, including its decision to cease cooperation

with the Agency, brought into sharp relief the threat to international peace and security posed by States acting outside international norms and obligations.

44. The United States had been consulting closely on the next steps with its allies and partners in the six-party talks. There was broad consensus among the five parties that denuclearization of the Korean Peninsula remained the essential goal and that the six-party talks provided the best mechanism of achieving that objective. All five parties remained committed to the full and transparent implementation of Security Council resolutions 1718 (2006) and 1874 (2009). The United States had informed the DPRK that it was prepared for the United States Special Representative for North Korea Policy to visit Pyongyang on 8 December with a view to achieving the resumption of the six-party talks and to securing the DPRK's reaffirmation of the September 2005 Joint Statement.

45. The United States position remained the same; it would not accept the DPRK as a nuclear-weapon State. It called upon the DPRK to commit to a process of complete, verifiable and irreversible denuclearization. The Agency had an important verification role to play in providing assurance about the absence of nuclear weapons and programmes in the DPRK. Also, his country called upon the DPRK to return to the NPT and Agency safeguards. The choice for the DPRK was clear. It could either comply with its international obligations and work with the international community towards a brighter future, or it could incur the costs of self-imposed isolation.

46. Mr BERDENNIKOV (Russian Federation) said that his country supported denuclearization of the Korean Peninsula, the resumption by the DPRK of its cooperation with the Agency and of the implementation of Agency safeguards, and the return of the DPRK to the NPT as a non-nuclear-weapon State. The Agency must play an active role in verifying the DPRK's nuclear activities.

47. Noting the importance of the full implementation of the relevant Security Council resolutions, he said that the DPRK nuclear issue could be resolved only by political and diplomatic means within the framework of the six-party talks. He therefore called upon the DPRK to return immediately and without precondition to that process.

48. Mr MINTY (South Africa) said it was of paramount importance that the DPRK invite the Agency to resume monitoring and verification of all its nuclear materials and facilities. South Africa continued to support the six-party talks, aimed at a peaceful and sustainable solution to the DPRK nuclear issue that was acceptable to all parties concerned. He called on all parties involved to refrain from actions that could exacerbate the volatile situation there. South Africa welcomed the recent announcement of a possible meeting between United States officials and the authorities in Pyongyang.

49. At the 53rd session of the General Conference, his delegation had joined others in calling on DPRK to comply fully with the NPT as soon as possible, to cooperate promptly with the Agency in the full and effective implementation of Agency safeguards, and to sign and ratify the CTBT. South Africa had consistently urged the DPRK to fully and verifiably terminate all its nuclear weapons programmes and fulfil its commitment to a complete, verifiable and irreversible denuclearization of the Korean Peninsula.

50. The CHAIRMAN, summing up, said that the Board regarded the DPRK nuclear issue and its nuclear tests as a serious threat to the international nuclear non-proliferation regime and regional peace and stability. Several members had urged the DPRK to renounce nuclear weapons and to return immediately to the six-party talks and work towards implementation of the 2005 Joint Statement, and to comply with its international obligations as set out in the relevant Security Council resolutions.

51. The Board had urged the DPRK to reverse its decision to cease its full cooperation with the Agency as well as the decision to restore nuclear facilities which had been disabled. The Board had

also urged the DPRK to resume its cooperation with the Agency on monitoring and verification and to allow an early resumption of the six-party talks.

52. Several members had expressed the hope that the forthcoming bilateral dialogue between the United States of America and the DPRK would revitalize and facilitate the early resumption of the six-party talks.

53. Several members had underlined the importance of swift and full implementation of the commitments contained in the Joint Statement, leading to the full disablement and dismantlement of the nuclear weapons programme of the DPRK in a verifiable manner. They had urged the DPRK to return to the NPT and to Agency safeguards at an early date.

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

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

56. Some members had emphasized the importance of international nuclear disarmament and non-proliferation and had urged all Member States concerned to work towards that objective.

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

58. Several members had requested the Director General to keep the item on the agenda of the Board of Governors.

59. He took it that his summing-up was acceptable to the Board.

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

**(c) Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran**  
(GOV/2009/74 and GOV/2009/79)

61. The CHAIRMAN drew attention to the Director General's report, contained in document GOV/2009/74 and a draft resolution submitted by Germany, contained in document GOV/2009/79. He noted that a technical briefing on the topic had recently been held for Member States by the Secretariat.

62. Mr LUNDBORG (Sweden)\*, speaking on behalf of the European Union, said that the candidate countries Croatia and the Former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as the Republic of Moldova and Ukraine, associated themselves with his statement.

63. He commended the Director General and the Secretariat for their professional and impartial efforts to seek clarifications from the Islamic Republic of Iran and to verify the nature of its nuclear programme. The European Union strongly supported the Agency in deepening further its analysis of all information available to it pertaining to Iran's nuclear programme.

64. He expressed the European Union's full support for the draft resolution agreed by China, France, Germany, the Russian Federation, the United Kingdom and the United States of America and

called on all Board members to support it. At a time when Iran was continuing its enrichment activities and an undeclared enrichment facility had been revealed, adoption of the resolution was particularly important, not only in view of the gravity of the situation but also for the credibility of the Agency.

65. The Director General's report stated that Iran had not suspended its enrichment related activities or its work on heavy water related projects, as required by the Security Council. That remained a matter of serious concern, as did the fact that, contrary to requests by the Board of Governors and the requirements of relevant Security Council resolutions, Iran was continuing to refuse to cooperate with the Agency to exclude the possibility of military dimensions to its nuclear programme.

66. The recent revelation concerning the undeclared construction of the FFEP near Qom had demonstrated a flagrant breach of Iran's obligations under the Subsidiary Arrangements to its safeguards agreement. In addition, the construction of a new enrichment facility constituted a violation of five Security Council resolutions. In accordance with the revised Code 3.1 of the Subsidiary Arrangements, which was binding on Iran, design information should have been submitted to the Agency when the decision to construct the nuclear installation had been taken. The Agency had confirmed that the plant corresponded to the design information provided by Iran, but Iran's explanation of the purpose of the facility and the chronology of its design and construction required further clarification. The European Union strongly supported the Agency's efforts to seek such clarifications.

67. Furthermore, the Director General's report stated that Iran had informed the Agency that construction had started on the FFEP in the second half of 2007, which directly contradicted a statement by Iran, circulated to all Member States as INFCIRC/737 dated 1 October 2008, that there was "no undeclared nuclear activity and material in Iran". The revelation of the FFEP had further eroded the European Union's confidence in the exclusively peaceful nature of Iran's nuclear programme. In that context, it joined the Director General in calling on Iran to confirm that it had no plans or intention to build any other nuclear facilities.

68. Iran's submission of preliminary design information on the nuclear power plant to be built in Darkhovin had come in reply to a request made by the Agency in December 2007 and was therefore long overdue and in clear violation of Iran's obligations to implement the revised Code 3.1. It was a matter of great concern that Iran was the only State with significant nuclear activities which had a comprehensive safeguards agreement in force but was not implementing the provisions of the revised Code 3.1. Iran could not unilaterally withdraw from Subsidiary Arrangements to which it had previously agreed.

69. The Director General's report made it clear that Iran had refused to engage with the Agency on questions relating to a possible military dimension to its nuclear programme for more than a year. Iran must respond to the Agency's repeated requests for access to persons, information and locations in order to resolve all outstanding issues. Iran must comply with all its international obligations, suspend its enrichment activities, and ratify and implement the additional protocol it had signed. Unless it did so, the Agency would not be in a position to provide assurance that Iran had no undeclared nuclear material or activities, which was a matter of great concern.

70. The European Union urged Iran to engage seriously and constructively with China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the High Representative of the European Union, to advance the dialogue on the nuclear issue begun in October 2009. The European Union was committed to seeking a comprehensive, long term and appropriate solution to the Iranian nuclear issue through dialogue and negotiation.

71. It strongly supported the Director General's draft agreement responding to Iran's request for assistance in refuelling the Tehran research reactor, which represented a confidence-building step,

addressing Iran's need for medical isotopes and creating an opportunity for further progress. The European Union urged Iran to respond positively to the Director General's proposal.

72. Mr FAWZY (Egypt), speaking on behalf of NAM, reaffirmed the Movement's confidence in the professionalism and impartiality of the Director General and the Secretariat and proceeded to reiterate its principled position on the Iranian nuclear issue<sup>2</sup>.

73. In his latest report, the Director General had stated once again that the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran.

74. NAM welcomed the continued cooperation between the Agency and Iran as elaborated in the Director General's latest report and, in that regard, took note that activities to produce nuclear material, particularly those related to enrichment, continued to remain under the Agency's containment and surveillance and the results of the environmental samples taken at the FEP in Natanz and the PFEP indicated that they had been operating as declared. Since the Director General's previous report, the Agency had successfully conducted two unannounced inspections. A total of 31 unannounced inspections had been conducted at Natanz since March 2007.

75. NAM also took note that the Agency had confirmed that the FFEP corresponded with the design information provided by Iran and that the facility was at an advanced stage of construction, although no centrifuges had been introduced to the facility. The Agency had continued to monitor the use and construction of hot cells at the relevant nuclear facilities in Iran and there had been no indications of ongoing reprocessing related activities at those facilities.

76. Furthermore, the Agency had finalized its assessment of the results of the physical inventory verification carried out at the FMP in August 2009 and had concluded that the inventory of nuclear material at the FMP, as declared by Iran, was consistent with those results. Iran had provided the Agency with access to the IR-40 heavy water reactor at Arak, at which time the Agency had been able to carry out a design information verification. The Agency had verified that the construction of the facility was ongoing.

77. NAM encouraged Iran to continue to provide design information regarding its nuclear facilities in accordance with its full-scope safeguards agreement with the Agency.

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

79. Taking into account recent developments, as well as previous reports by the Director General on the implementation of the work plan circulated in document INFCIRC/711, NAM still looked forward to safeguards implementation in Iran being conducted in a routine manner.

80. NAM reiterated its principled position that diplomacy and dialogue were the only way to find a long term solution to the Iranian nuclear issue and encouraged all Member States to contribute positively to that goal.

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<sup>2</sup> See document GOV/OR.1252, paras 1–6.

81. Mr LÜDEKING (Germany), introducing the draft resolution contained in document GOV/2009/79 on the implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran, said that it had been drafted and agreed by China, France, Germany, the Russian Federation, the United Kingdom and the United States of America.

82. In their statement to the Board in March 2009, those six countries, reaffirming their unity of purpose and strong support for the Agency, had called upon Iran to meet the Board's requirements without delay and to implement the relevant Security Council resolutions.

83. He noted with serious concern, however, that Iran had continued to defy the requirements and obligations contained in the Board and Security Council resolutions in question. The secret construction of a new enrichment facility at Qom gave added cause for grave concern. Iran's late declaration of the new facility reduced confidence in the absence of other undeclared nuclear facilities under construction in Iran.

84. The latest report by the Director General made it clear that Iran had disregarded its obligations under the revised Code 3.1 by not notifying the Agency of its decision to construct that new facility. In accordance with the provisions of the revised Code 3.1, Iran should have informed the Agency of the decision to construct, or to authorize construction of, that new facility as soon as the decision had been taken. Such disregard by Iran of its obligations towards the Agency could not be ignored. The clandestine construction of the FFEP facility was a major issue that gave rise to serious questions and concerns regarding the nature of Iran's nuclear programme.

85. It was also a matter of serious concern that Iran continued to refuse to engage with the Agency to resolve all outstanding issues, especially as they related to possible military dimensions to Iran's nuclear programme. Such serious questions required serious answers from Iran.

86. The construction of the FFEP, as well as the resolution of outstanding issues relating to Iran's nuclear programme, were of immediate relevance and significance to the Agency's work. He called on the Board to support the Secretariat in its efforts to fulfil its mandate effectively, to implement the safeguards agreement in Iran, and to resolve the outstanding questions concerning possible military dimensions to Iran's nuclear programme, as well as to resolve the new questions regarding the purpose of the enrichment plant at Qom and the chronology of its design and construction. The Board must take a stand on Iran's failure to meet its obligations under its safeguards agreement.

87. The key purpose of the draft resolution proposed by Germany was to strengthen the Agency in the discharge of its responsibilities. It was important for the Board to deliver a united message to Iran, urging it to change course. Iran had the power to change the current profoundly unsatisfactory situation, and he urged it to cooperate fully with the Agency in meeting the requirements of the Board and Security Council.

88. Iran must address the lack of confidence in the exclusively peaceful nature of its nuclear programme. It should build, and not reduce, confidence. In their statement to the Board in March 2009, the six countries had underlined their firm commitment to a comprehensive diplomatic solution to the Iranian nuclear issue. That commitment was unwavering. In September 2009, the foreign ministers of the six countries had reiterated their unequivocal commitment to pursuing a diplomatic solution to Iran's ambitions, a resolve clearly stressed in the draft resolution.

89. The efforts of the six countries over recent weeks and months had testified to that resolve. It had been hoped that the meeting between the six countries and Iran on 1 October 2009 would provide an opportunity for a fresh start. However, taking stock of developments since then brought only disappointment. At their meeting on 20 November 2009, the political directors of the six countries and

the European Union had expressed their disappointment at the lack of progress regarding the understandings reached at the October meeting with Iran.

90. It was a matter of regret that Iran had not yet engaged in intensified dialogue and, in particular, had refused a further meeting with the six countries before the end of October 2009. It was also very disappointing that Iran had not yet responded positively to the draft agreement on the provision of fuel for the Tehran research reactor proposed by the Director General which, in his words, offered a unique opportunity to address a humanitarian need and create space for negotiations. That deal would boost the prospects for successful negotiations with Iran by starting to build sorely needed trust.

91. He called for the Board's unanimous support for the draft resolution, which would serve as a reminder and an encouragement for Iran to seize existing opportunities to engage in meaningful negotiations with a view to achieving a comprehensive diplomatic solution. He proposed that the draft resolution, if adopted, be made public.

92. Mr YEL'CHENKO (Ukraine), reaffirming Iran's right to use nuclear energy for peaceful purposes in conformity with its obligations under the NPT, took note that the Director General had reported once again that the Agency had been able to continue to verify the non-diversion of declared nuclear material in Iran, that activities to produce nuclear material, particularly those related to enrichment, continued to remain under the Agency's containment and surveillance, and that there had been no indications of ongoing reprocessing related activities at the relevant nuclear facilities in Iran. The continued cooperation between the Agency and Iran on some issues, as elaborated in the Director General's previous report, was encouraging.

93. Such positive elements were, however, obscured by the main conclusions of the latest report that Iran had not suspended its enrichment related activities or its work on heavy water related projects, as required by Security Council resolutions, and that the Agency was not in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran. The Board had repeatedly called for Iran to suspend all enrichment related and reprocessing activities as an essential confidence-building measure, a call which Ukraine fully supported.

94. The existence of a new pilot enrichment plant at the Qom facility had further eroded confidence regarding the absence of undeclared nuclear activities in Iran. While the Agency inspection at Qom and Iran's cooperation with that inspection were welcome, questions remained concerning the history and purpose of the facility.

95. Political dialogue and substantive negotiations must remain the main means of reaching a comprehensive solution to the Iranian nuclear issue. He underlined, however, they did not constitute an end in themselves. Restoring international confidence in the peaceful nature of Iran's nuclear programme required broader and deeper cooperation from Iran, which should go beyond the existing formal limits, primarily in its own interests. Ukraine called on Iran to reverse its approach, to implement the revised Code 3.1 and the additional protocol and to cooperate fully with the Agency in the manner set out in the Director General's report. Iran's constant refusal to do so served only to increase international concerns about that country's intentions and to make it more difficult for the Agency to resolve outstanding issues, especially with regard to possible military dimensions to its nuclear programme.

**Mr Ferută (Romania), Vice-Chairman, took the Chair.**

96. Mr WOOD (Canada) welcomed the update in the Director General's report on Iran's recently declared FFEP and commended the Secretariat for its continued professional and impartial work on the many outstanding questions concerning the scope and nature of Iran's nuclear programme. His delegation appreciated the Director General's considerable efforts to facilitate an agreement over the

supply of fuel for the Tehran research reactor. The proposed supply arrangement would address humanitarian concerns by ensuring the ongoing provision of medical isotopes in Iran and build confidence in the peaceful nature of Iran's nuclear programme. It was unfortunate that the opportunity had not been taken up by Iran, and Canada encouraged that country to do so.

97. He expressed concern that Iran was the only State with significant nuclear activities that had a comprehensive safeguards agreement in force but was not implementing the provisions of the revised Code 3.1 of its Subsidiary Arrangements General Part. Noting Iran's failure to inform the Agency about the construction of the FFEP, he said that it was not the first time that Iran had failed to inform the Agency in a timely manner about the construction of an enrichment plant, despite the sensitivity associated with such facilities. Canada also noted Iran's failure to submit design information for the Darkhovin reactor until September 2009 and the fact that the Agency had been granted access to the IR-40 reactor for design information verification purposes only after repeated requests. Such failures represented a disturbing pattern in Iran's non-compliance with its safeguards agreement. Canada welcomed the clear acknowledgement in the report that Iran remained bound by the revised Code 3.1, to which it had agreed in 2003. As the report underlined, Iran's failure to notify the Agency of the new FFEP and to submit design information for the Darkhovin facility was inconsistent with its safeguards obligations. Furthermore, and of great concern to Canada, it reduced the level of confidence in the absence of other nuclear facilities under construction and gave rise to questions about whether there were any other nuclear facilities in Iran which had not been declared to the Agency.

98. Canada was deeply concerned that Iran's insufficient and long overdue cooperation meant that there was no substantive progress on other serious outstanding issues, particularly those that needed to be clarified in order to exclude the existence of possible military dimensions to Iran's nuclear programme. Iran needed to re-engage with the Agency to resolve questions related to the alleged studies, clarify the circumstances of the acquisition of the uranium metal document, clarify the procurement and R&D activities of military related institutes and companies that could be nuclear related, and clarify the production of nuclear related equipment and components by companies belonging to defence industries. Canada noted that the Agency had repeatedly requested access to persons, information and locations identified in the alleged studies. It was essential for Iran to cooperate fully with such requests and enter into detailed discussions with the Agency with a view to moving forward.

99. Another matter of great concern was Iran's continued enrichment activities in blatant disregard of Security Council and Board resolutions. Given the lack of confidence expressed by the Board in the peaceful nature of Iran's nuclear programme, Canada fully endorsed those resolutions. As a confidence-building measure, Iran needed to heed those resolutions by suspending its enrichment related and reprocessing activities and its work on heavy water related projects.

100. Contrary to requests by the Board and the Security Council, Iran had not implemented its additional protocol, nor had it agreed to Agency requests to provide access to additional nuclear related locations, as a transparency measure. Canada strongly urged Iran to ratify without delay and implement fully its additional protocol. Unless it did so, and clarified the outstanding issues, the Agency would not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran. Until then, safeguards activities in Iran could not return to routine operations and the item must remain on the Board's agenda.

101. It had been nearly four years since issues associated with Iran's nuclear programme had been formally addressed in a Board resolution. Canada fully supported the new draft resolution contained in document GOV/2009/79. It provided a comprehensive and factual summary of the outstanding issues

which, taken as a whole, clearly illustrated the reasons for serious concern. Another clear expression of the Board's concerns on the matter was long overdue.

102. Given the ongoing and broad interest in the issue and the importance of the principle of transparency, he requested that, in accordance with past practice, the report contained in document GOV/2009/74 be made public.

103. Mr CODORNIU PUJALS (Cuba) said that one of the most interesting aspects of the Director General's latest report was related to the visit by inspectors to the FFEP near Qom to carry out design information verification. As the Agency had confirmed that the plant corresponded with the design information provided by Iran and that no centrifuges had yet been introduced, it was clear that there was no nuclear material in the facility and that none would be introduced in the near future. His country hoped that the ongoing cooperation between Iran and the Secretariat would allow any outstanding questions about that facility to be clarified promptly.

104. Cuba hoped that the positive results of the verification process would serve to calm the media storm that had arisen about Iran's declaration of the existence of that facility under construction. As usual, the news had been the subject of manipulation by the sensationalist press and, regrettably, the rumour and speculation had been fanned by the fact that the results of the inspectors' first visit had been leaked a few days before the Director General's report had been issued. Such leaks not only jeopardized the Agency's efforts to ensure confidentiality but also, because they always contained inaccurate information, fuelled speculation and created a negative political climate for any impartial analysis or negotiations. His country called on the Secretariat to take effective countermeasures in that regard.

105. Cuba welcomed the report's finding that no nuclear material had been diverted in Iran and that the nuclear activities being conducted there, particularly those related to the nuclear fuel fabrication programme, were under the strict control of the Agency.

106. The only way to resolve the issue permanently was through constructive cooperation between Iran and the Agency and through negotiations among the concerned parties on the basis of equality, full respect for international law and without conditions. Sanctions, threats and pressure would be counterproductive. The adoption of a new resolution condemning Iran would not contribute to a solution and would only provoke further confrontation and mistrust. Cuba could not, therefore, support the draft resolution.

107. Previous resolutions adopted by the Board under pressure from certain Member States had complicated matters, leading to the unjustified referral of the Iranian dossier to the Security Council and the imposition of unnecessary requirements on Iran, such as the total suspension of its enrichment programme. To prevent the Board from making another mistake, Cuba asked that the draft resolution be withdrawn.

**Mr Arshad (Malaysia) resumed the Chair.**

108. Mr CURIA (Argentina) commended the Director General's professionalism in dealing with the Iranian nuclear issue thus far.

109. He noted that Iran had not cooperated with the Agency in clarifying the outstanding questions in order to exclude the possibility of military dimensions to its nuclear programme, and that a year had passed since the Agency had been able to engage Iran in discussions about those issues. Until Iran cooperated in that regard, the Agency could not provide credible assurances about the absence of undeclared nuclear material and activities in that country.

110. Iran needed to provide the Agency with information and access to the relevant people and documentation. Also, it should comply immediately with the decisions of the Security Council and suspend its enrichment related activities and heavy water related projects. While recognizing the inalienable right of all countries to develop nuclear technology for peaceful purposes, Argentina urged Iran to take all the necessary measures to promote confidence in the exclusively peaceful nature of its nuclear programme.

111. Ms MOHAMED KHAIRULLAH (Malaysia) underlined the need to respect the basic and inalienable right of all Member States, as stipulated in the NPT, to develop research, production and use of atomic energy for peaceful purposes, without discrimination and in conformity with their respective legal obligations. Nothing should be interpreted as restricting that right in any way, and Member States' decisions in the field of the peaceful uses of nuclear technology and fuel cycle policies had to be respected.

112. Her country believed that Iran had complied with its legal obligations to cooperate with the Agency in finding a settlement to the issues related to its nuclear programme. It was important to make a clear distinction between the legal obligations of Member States under their respective safeguards agreements and their voluntary commitments, so that the latter did not become legal safeguards obligations. In addition, States not in a position to fulfil such voluntary measures should not be penalized.

113. The main problem lay in the deficit of trust between Iran and a certain group of countries regarding the true nature of Iran's nuclear programme. The Agency had to be able to play its critical role as an impartial and honest broker in the matter. Malaysia strongly hoped that the ongoing discussion on the supply of fuel to the Tehran research reactor would help to address that deficit of trust and lead to compromise and, eventually, a satisfactory conclusion.

114. Malaysia felt that adoption of the draft resolution submitted by Germany would be not only counterproductive, jeopardize Iran's ongoing cooperation and further undermine efforts towards building confidence, but also detrimental to the ongoing dialogue on the fuel arrangements for the Tehran research reactor.

115. Mr SIRRY (Egypt) stressed that the Iranian nuclear issue could not be addressed in isolation from efforts to rid the Middle East of nuclear weapons and to subject all the nuclear facilities in the region to the Agency's comprehensive safeguards regime. The Agency and its Member States had to engage promptly in parallel efforts to deal with Israel's nuclear activities, which were not subject to safeguards, and to implement the relevant resolutions adopted in that regard, including resolution GC(53)/RES/17 on Israeli nuclear capabilities so as to avoid double standards and preserve the credibility of the Agency.

116. His country had hoped that an agreement could have been reached on the supply of nuclear fuel to the Tehran research reactor in order to defuse the ongoing crisis and commended the Director General on his efforts towards that end.

117. He underlined the importance of settling the Iranian nuclear issue peacefully through dialogue, without impinging on the right of every State party to the NPT to benefit from the peaceful uses of nuclear energy. Egypt welcomed the fact that the Agency was continuing to verify the non-diversion of declared nuclear material in Iran and encouraged Iran to continue cooperating fully with the Agency within the framework of its existing legal obligations.

118. Requiring States to show transparency and display cooperation that went beyond their legal obligations should be subject to certain limitations and also must be based on information whose credibility could be verified. Egypt requested all parties not to interfere in the Secretariat's work or to

question its conclusions in such a way as to damage its credibility. Rather, they should work together to strengthen the Agency, considering that it was the sole competent body to conduct the verification and obtain the results and conclusions for taking sound decisions in the matter.

119. His delegation welcomed the fact that the Agency continued to be able to verify that the declared nuclear activities in Iran remained dedicated to peaceful purposes and that Agency inspectors had been able to visit the new FFEP near Qom. Iran needed to take steps in the framework of its safeguards agreement to help the Agency to verify the nature of its nuclear activities, thus building regional and international confidence and enhancing the chances of finding a peaceful solution. In that connection, Egypt urged Iran to resume implementation of the revised Code 3.1.

120. Mr HU Xiaodi (China) expressed his country's appreciation to the Director General and the Secretariat for their professional and constructive work to resolve the Iranian nuclear issue. It was a sensitive and complex issue that needed to be resolved peacefully through diplomatic negotiations.

121. China hoped that the parties involved in the talks in Geneva in October could build on the success achieved there, further intensify their diplomatic efforts and maintain a dialogue to seek a comprehensive, durable and appropriate solution to the issue.

122. The Director General's report showed that there had been no diversion of declared nuclear material in Iran. However, Iran had not suspended its enrichment related activities or work on its heavy water reactor related projects, and it had not implemented its additional protocol or cooperated with the Agency in resolving the outstanding issues. China hoped that Iran would cooperate with the Agency to restore the international community's confidence in the peaceful nature of its nuclear programme. Noting Iran's facilitation of the Agency's inspection of the FFEP, China hoped that Iran would continue to cooperate in clarifying any issues arising from that inspection.

123. China appreciated the efforts made by all the parties concerned towards resolving the issue of fuel supply to the Tehran research reactor and hoped that a consensus could be reached on the draft agreement submitted by the Director General.

124. Mr DAVIES (United States of America) joined others in expressing appreciation for the professionalism shown by the Director General and Secretariat in their efforts to verify Iran's compliance with its safeguards agreement and to report on the implementation of the relevant Security Council resolutions. The Director General's latest report was a testament to the Secretariat's tireless efforts to resolve the outstanding questions and gain a full understanding of the scope and nature of Iran's nuclear programme.

125. Unfortunately, Iran had not responded with the transparency and cooperation necessary for the Secretariat to complete its important task. With one disturbing exception, all of the issues were the same ones that had been before the Board for years. Iran continued to refuse to address the significant body of information presented to it by the Agency regarding a possible military dimension to its nuclear programme. It refused to suspend its uranium enrichment and heavy water related activities as required by multiple Security Council resolutions. It had failed to implement the additional protocol, which was essential for ensuring the correctness and completeness of its declaration to the Agency. It denied its continuing obligation under the revised Code 3.1 of its Subsidiary Arrangements, which it did not have the authority unilaterally to modify. Instead of fulfilling its obligations, Iran had provided the Agency with what it deemed voluntary access to the Arak reactor and with design information for the Darkhovin reactor project, claiming that it could at any point decide that such cooperation was unwarranted.

126. Prior to the Director General's latest report, the issue of Code 3.1 compliance might have seemed purely academic. However, the revelation of the existence of the FFEP had demonstrated that

Iran was willing to escalate its defiance of obligations to suspend its enrichment programme by pursuing it in secret. It remained unclear whether Iran would have declared that facility to the Agency if it had remained unknown to the world, despite its obligation to notify the Secretariat. The United States fully supported the Agency's clear warning that the existence of the FFEP gave rise to concerns as to the possible existence of other such facilities and noted that Iran had not given the Agency an unambiguous answer in that regard. Nor had Iran fully disclosed the purpose of the facility, or how it fitted into the country's nuclear programme.

127. As the situation stood, Iran had an enrichment programme that was continuing to produce substantial quantities of LEU and a heavy water reactor still under construction, and it had clearly refused to address the acute concerns expressed by many members of the Board for several years. Those concerns were not academic; they reflected a worry that Iran's programme could pose a real threat to international security.

128. The international community had offered Iran yet another opportunity to confirm the peaceful nature of its nuclear programme and to make progress toward a peaceful resolution. The United States firmly supported the Agency's constructive proposal in response to Iran's request for assistance in securing a fuel supply for its Tehran research reactor. Acceptance of that proposal would not only build confidence, but also have a direct and positive humanitarian impact on the Iranian people in light of the medical nature of the reactor's work. His delegation regretted that Iran had not responded positively to the proposal, which was fair and balanced and offered an opportunity for further progress.

129. The United States strongly supported the draft resolution submitted by Germany which, if adopted, would be the first Board resolution on Iran since 2006. It was intended to reinforce the Board's serious concern about Iran's continued defiance of relevant Board and Security Council resolutions. The revelation of the existence of the FFEP had heightened those concerns and reduced the international community's level of confidence about the absence of other undeclared facilities and the peaceful nature of Iran's nuclear programme. Given the recent developments and Iran's continued failure to cooperate fully with the Agency, it was time for the Board to take action.

130. The United States believed that the main provisions of the draft resolution could find a consensus. In it, Iran was urged to comply fully and without delay with its obligations under Security Council resolutions and to meet the Board's requirements, including by suspending immediately construction at Fordow. It was urged to comply fully with its safeguards obligations to apply the revised Code 3.1 and its additional protocol and also to confirm that there were no other undeclared facilities in the country. Also, the resolution urged Iran to engage with the Agency on resolving all outstanding issues concerning its nuclear programme and, to that end, to cooperate fully with the Agency by providing the requested access and information.

131. The United States remained committed to a diplomatic solution and hoped Iran would demonstrate a similar willingness to address international concerns and make progress on the many issues laid out in the report.

132. Mr NAKANE (Japan), having commended the Agency's efforts to build confidence between Iran and the international community, expressed his country's support for the draft resolution proposed by Germany. Also, Japan welcomed the efforts under the project referred to by the Director General in his introductory statement to ensure a nuclear fuel supply for the Tehran research reactor and called upon Iran to help bring those efforts to fruition.

133. It was deeply regrettable that Iran had decided to construct the FFEP, despite the fact that Security Council resolutions required Iran to suspend its enrichment related activities. In addition, Japan was concerned that Iran had failed to provide the Agency with preliminary design information at

the early stages of construction, despite its the obligations under the revised Code 3.1 of its Subsidiary Arrangements General Part. Such actions might further shake the international community's confidence in Iran, particularly as regards the absence of other nuclear facilities under construction or the existence of other undeclared facilities. Japan called upon Iran to engage in further confidence-building measures and provide additional information on the nature of the FFEP, the chronology of its design and construction, and its ramifications on Iran's peaceful nuclear programme.

134. It was worrying that, in contravention of the Security Council resolutions, Iran continued to conduct enrichment related activities and work on heavy water related projects and was not implementing, and had not ratified, the additional protocol. It was deeply regrettable that Iran was conducting R&D activities on a new generation of centrifuges and expanding its enrichment related activities at Natanz and beyond, while continuing unilaterally to uphold its suspension of the implementation of the revised Code 3.1.

135. The confidence of the international community would not be restored until Iran changed its current position. For that, and for the Agency to make progress in its investigations, Iran needed to meet all the requirements of the Security Council and Board resolutions, including ratification and implementation of the additional protocol, so that the Agency could clarify the outstanding issues.

136. Japan noted with concern that there remained a number of outstanding issues to be clarified in order to exclude the existence of possible military dimensions to Iran's nuclear programme, and that it had been well over a year since the Agency had been able to engage Iran in discussions on such issues.

137. Finally, he said that Japan supported, and was cooperating with, all efforts to find a peaceful and diplomatic solution to the Iranian nuclear issue.

138. Mr BERDENNIKOV (Russian Federation) took note that the Agency continued to verify the non-diversion of declared nuclear material in Iran. He stressed Russia's interest in clarifying all outstanding issues regarding the Iranian nuclear programme in order that the Agency could provide credible assurance about the absence of undeclared nuclear material and prohibited activities in Iran. Russia confirmed its position that Iran must comply with the decisions of the Security Council and the Agency's Board of Governors, including with respect to implementing the additional protocol to its safeguards agreement and confidence-building measures.

139. The Director General's report pointed out the difficulty of planning the necessary safeguards arrangements, especially for new facilities, owing to Iran's refusal to implement the revised Code 3.1. Russia called on Iran to resume implementation of the Code. Such a step would facilitate the Agency's application of safeguards to Iran's nuclear activities.

140. In conclusion, he affirmed the Russian delegation's support for the draft resolution submitted by Germany.

141. Mr POTTS (Australia) said that the latest report confirmed that Iran continued to ignore its international obligations. As the Australian Foreign Minister had told the Australian parliament on 18 November, Iran's failure to declare the FFEP to the Agency was not only inconsistent with its safeguards obligations to the Agency but also gave rise to questions as to whether there might be other undeclared nuclear facilities.

142. Iran's construction of that facility constituted another breach of Security Council resolutions, which carried the binding force of law, and its late provision of design information for the site was a further breach of its safeguards obligations. Those actions were, regrettably, consistent with Iran's failure to suspend its enrichment activities and its work on heavy water related projects as required by the Security Council. Furthermore, Iran had not complied with the requirement to implement the

additional protocol. That all followed a long history of undeclared nuclear activities by Iran, about which serious outstanding questions remained.

143. Australia acknowledged that Iran had now provided detailed design information on the FFEP, that it had cooperated with the Agency in providing access for inspectors to the facility and that the site was now under Agency safeguards. Those steps, though belated, were welcome, but they did not legitimize or normalize Iran's construction of the facility or excuse its failure to declare the site in accordance with its safeguards obligations.

144. The inspection had confirmed that the FFEP was not of a scale necessary to produce fuel for a nuclear power programme. Australia noted that Iran had described the facility variously as a new pilot enrichment facility, a production facility and a contingency enrichment plant in case of a military attack against Natanz. Australia had learned at the technical briefing that, lacking a credible technical rationale, Iran had described its decision to build the plant as a political decision. Those varying explanations of the facility's purpose clearly demanded urgent clarification. In addition, Australia called on Iran to clarify critical questions about the chronology of the facility.

145. Iran remained the only State with significant nuclear activities which had a comprehensive safeguards agreement in force but was not implementing the provisions of the revised Code 3.1 as required. As the Director General's report underlined, that reduced the time available for the Agency to plan the necessary safeguards arrangements. It also reduced the level of confidence in the absence of other undeclared nuclear facilities in Iran.

146. Australia noted that Iran had provided preliminary design information for the nuclear power plant to be built in Darkhovin. While welcome, that had been long overdue and Iran's failure to submit design information until September 2009 was inconsistent with its safeguards obligations.

147. With respect to a possible military dimension of Iran's nuclear programme, the Director General's report again confirmed that Iran had not engaged substantively with the Agency in relation to outstanding issues of serious concern.

148. Iran asserted that the alleged studies documents were false and fabricated. Iran had not, however, provided the Agency with the access to persons, information and locations required to verify those assertions.

149. Iran needed to clarify the circumstances of the acquisition of the uranium metal document, procurement and R&D activities of military related institutes and the production of nuclear related equipment and components by companies belonging to defence industries.

150. Iran's cooperation in assisting the Agency to clarify those matters was neither voluntary nor optional. Iran was bound by several Security Council resolutions to take the steps required by the Board of Governors in its resolution GOV/2006/14 "without further delay". Those steps included transparency measures which extended beyond the formal requirements of the safeguards agreement and additional protocol, and included access to individuals, documentation relating to procurement, dual use equipment, certain military-owned workshops and research and development.

151. The Australian delegation commended the Director General and the countries concerned for their constructive proposal regarding a fuel supply arrangement for the Tehran research reactor. If accepted by Iran, the proposal would have benefits that went beyond refuelling a reactor producing medical isotopes and would create a breathing space for further diplomatic engagement to resolve the nuclear issue. As the Australian Foreign Minister had said, it represented a unique opportunity for Iran to reverse its course from confrontation to cooperation. Australia therefore urged Iran to seize that opportunity and respond in a positive manner.

152. Iran could assert its right to a peaceful civil nuclear programme, but it must carry out its non-proliferation responsibilities and obligations. It must abide by its legal obligations under Security Council resolutions and its safeguards agreement.

153. Australia supported adoption of the draft resolution before the Board because it sent a clear message of the Board's and the international community's serious concern over Iran's continuing failure to meet its international obligations. Australia urged Iran to listen to that message, reconsider its position, and put its relations with the international community on a more promising path.

154. Mr SHIM Yoon-Joe (Republic of Korea) noted from the Director General's report that the Agency had continued to verify the non-diversion of declared nuclear material in Iran. His country took note of the Agency's efforts, in cooperation with Iran, to conduct various verification activities during the reporting period, including design information verification visits to the new FFEP, the IR-40 reactor in Arak, and the UCF and FMP at Esfahan.

155. However, the Republic of Korea was concerned that, despite intensive efforts by the international community, a number of issues remained unresolved. To establish transparency and confidence concerning the peaceful nature of its nuclear activities, it was important for Iran, as required by the relevant Security Council resolutions, to suspend its enrichment activities and its work on heavy water related projects.

156. The Republic of Korea called on Iran to cooperate fully with the Agency to resolve the outstanding issues of concern raised in the Director General's report in a timely and positive manner to restore confidence with respect to its right to use nuclear energy for peaceful purposes. It supported the resolution before the Board.

157. Mr STEINMANN (Switzerland) noted from the Director General's latest report firstly that Iran's enrichment related activities were continuing and it now possessed nearly 1800 kg of LEU.

158. Secondly, although Iran had cooperated fully with the inspection of the FFEP site, which currently contained no centrifuges, the Agency required further information since some of its findings did not entirely agree with Iran's declarations and it needed to better understand the purpose for which the facility had been intended and how it fitted into Iran's nuclear programme.

159. In addition, the Agency stressed that Iran remained bound by the revised Code 3.1 and that Iran's failure to notify the Agency of the new facility until September 2009 was inconsistent with its obligations and did not contribute to the building of confidence.

160. Thirdly, Iran's cooperation regarding activities having possible military dimensions had not progressed for well over a year.

161. For those reasons, Switzerland supported the resolution before the Board, which reiterated the Agency's requests to Iran.

162. On 1 October 2009 in Geneva, a meeting led by the High Representative of the European Union for Foreign Affairs and Security Policy, Mr Javier Solana, had taken place between the delegations of the P-5 plus Germany and Iran. Unfortunately, the hopes raised by that meeting had lasted only briefly. Of the three points agreed in Geneva, only one was being implemented, namely Iran's cooperation on the FFEP. There was no definite outcome on the cooperation project on the Tehran research reactor or on plans to hold a follow-up meeting.

163. Switzerland remained convinced that the Iranian issue could only be resolved through diplomacy, even though that required political courage, patience and flexibility.

164. The cooperation project on the Tehran research reactor required political courage on the part of Iranian leaders, as evidenced by the lively debate it had aroused and continued to arouse in Iran. It demonstrated new flexibility on the part of the other key players, the P-5 plus Germany, who had recently set conditions that were not conducive to dialogue. Moreover, the project was attractive from a cost-benefit standpoint. While its significance in nuclear terms was relatively limited as it concerned only one particular aspect of Iran's nuclear programme, its significance in terms of potential political overtures was vastly greater.

165. Switzerland strongly encouraged Iran to engage more constructively in the Tehran research reactor project and, at the same time, encouraged the other key players in the matter to continue to demonstrate the spirit and creativity displayed at the Geneva meeting. By no means had all of the diplomatic means to resolve the issue been exhausted.

166. Ms MACMILLAN (New Zealand) expressed deep concern at the Director General's report. Her country was troubled by both what was in it and what was missing, namely a credible assurance about the absence of undeclared nuclear material and activities in Iran. Members of the Board and the broader international community continued to expect Iran to cooperate as necessary for the Agency to fulfil its verification mandate, and New Zealand was disappointed and frustrated that Iran had not yet done so.

167. New Zealand supported the draft resolution before the Board, which highlighted the Agency's efforts to resolve the issues outlined in the report and reaffirmed the Board's commitment to achieving a diplomatic solution to the Iranian nuclear issue. The draft resolution made it clear, however, that further steps were needed in light of Iran's persistent failure to comply with its international obligations.

168. The Agency's credibility demanded that Iran face some consequence for breaching Security Council requirements, acting in a manner inconsistent with its safeguards obligations and refusing to cooperate on basic confidence-building measures. New Zealand encouraged all Board members to support the draft resolution and urged Iran to cooperate with the Agency and comply with its obligations without delay.

169. New Zealand noted from the report that the Agency had carried out design information verification at the recently disclosed FFEP near Qom on 26 and 27 October. It also noted that the Agency confirmed that the plant corresponded with the design information provided by Iran and that the facility would henceforth be subject to regular design information verification in accordance with Iran's safeguards agreement. New Zealand welcomed the information provided at the recent technical briefing that Iran had allowed the Agency's team full access during the inspection.

170. New Zealand, recalling the Agency's finding that Iran remained bound by the revised Code 3.1 of the Subsidiary Arrangements, regretted that Iran had been late in notifying the Agency of the FFEP. In that regard, she noted the Director General's conclusion in his report that Iran's failure to notify the Agency of the new facility until September 2009 was inconsistent with its obligations under the Subsidiary Arrangements to its safeguards agreement.

171. New Zealand was deeply concerned by Iran's ongoing refusal to accept the application of the revised Code 3.1, and its current and future impact on the Agency's safeguards activities. She noted that the Director General's report also found that Iran's failure to submit design information for the Darkhovin facility until September 2009 was inconsistent with its obligations under its Subsidiary Arrangements.

172. New Zealand shared the Agency's view that Iran's declaration of the new facility near Qom reduced the level of confidence in the absence of other nuclear facilities under construction and gave

rise to questions about whether there were other undeclared nuclear facilities in Iran. In light of that, Iran's statement that it had no other undeclared nuclear facilities currently under construction or in operation was insufficient. New Zealand noted that the Agency had sought further clarification from Iran as to whether it had taken a decision to construct or authorize the construction of any undeclared nuclear facilities, and called on Iran to respond in a fully transparent and timely manner.

173. New Zealand was deeply concerned that there were issues which still needed to be clarified in order to exclude the existence of possible military dimensions to Iran's nuclear programme. It was disappointed by the complete absence of progress on those issues and called on Iran to cooperate with the Agency and provide the information and access necessary for their resolution.

174. It was in everyone's interest for the Agency to be able to provide credible assurance about the absence of undeclared nuclear materials and activities in Iran. The report made it clear that it could not do so unless Iran implemented the additional protocol and clarified the outstanding issues to the Agency's satisfaction. New Zealand, which had consistently called on Iran to engage in confidence-building activities, including transparency measures and ratification of the additional protocol, continued to encourage Iran to move down that path. She emphasized, however, that such activities could not take the place of Iran's complying with requirements, including Security Council resolutions on the suspension of enrichment activities and of work on heavy water related projects, and with the revised Code 3.1.

175. New Zealand had followed with interest the efforts of the Agency, Iran, the United States, France and Russia to reach an agreement on nuclear fuel supply for the Tehran research reactor. A positive outcome would build much-needed confidence and New Zealand encouraged all parties to continue their constructive engagement.

176. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) reiterated his country's dedication to pacifist principles, as reflected clearly in its constitution. It was committed to the international community's aspirations, as enshrined in the NPT, for a world free of nuclear weapons and the need for disarmament.

177. All States had the inalienable sovereign right to peacefully develop technologies which were beneficial for their social and economic well-being, including the nuclear option, and Venezuela believed that that principle must be upheld in a transparent and non-discriminatory manner. Venezuela rejected all discriminatory measures and double standards that violated the principle of the equal legal status of States. It also believed that the Agency was the appropriate technical body to continue to address the issue of Iran's peaceful nuclear programme and seek a negotiated solution with the Iranian authorities.

178. The Director General's report clearly pointed out that the nuclear activities declared by Iran were under strict Agency safeguards. The report also reiterated that there had been no diversion of nuclear material for non-peaceful purposes.

179. In addition, the Director General reported that two unannounced inspections had been conducted in Iran since August 2009 and confirmed that the facilities had been operating as Iran had declared. All the nuclear material, installed cascades and feed and extraction stations at the FEP at Natanz continued to be subject to the Agency's containment and surveillance measures.

180. Venezuela welcomed the repeated references made both in the report and at the technical briefing to the cooperation extended by Iran in granting access to all parts of the Qom site. That cooperation had allowed the Agency to carry out its safeguards activities satisfactorily and confirm the veracity of the design information provided by Iran.

181. The alleged studies covered subjects that went beyond the Agency's statutory mandate. Furthermore, the documents in question, the provenance and authenticity of which remain uncertain, had not been provided to Iran for more in-depth analysis despite repeated requests by the Secretariat and Member States.

182. An international system oriented towards peace, justice and development could be built only on the basis of unqualified respect for the norms and principles of international law. It was out of keeping with the times that discriminatory practices should be pursued, in violation of the principle of the equal legal status of States, whereby the fulfilment of obligations deriving from international agreements were imposed on some countries while exempting others from the same requirements. By the same token, the efforts of some States to combat unproven threats emanating from other States should not be used as a means to violate the inalienable right of all countries to participate in the research, production and use of nuclear energy for peaceful purposes.

183. Venezuela supported all initiatives aimed at a peaceful and negotiated resolution of the Iranian issue, without preconditions or conditions infringing on the legitimate rights of Member States under the NPT and the Agency's Statute.

184. Introducing a draft resolution at a time when negotiations with Iran were in progress ran the risk of creating a climate of further confrontation within the Board, which would not help to achieve an early and satisfactory solution to the matter.

185. Mr FIDAN (Turkey) noted that the Agency had continued to verify the non-diversion of declared nuclear material in Iran and that information had been provided by Iran on the construction of the FFEP at Qom. Turkey noted with satisfaction that, at the Secretariat's request, Iran had submitted a preliminary design information questionnaire for that plant and had provided unrestricted access to the facility during the Agency's subsequent design information verification.

186. Turkey welcomed the cooperation displayed by Iran in the verification of its nuclear activities under its comprehensive safeguards agreement. On the other hand, it noted that the Agency was once again unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran.

187. It was important that the outstanding issues relating to Iran's nuclear programme be addressed in a constructive and transparent way and be brought to a positive conclusion without further delay to restore confidence in the exclusively peaceful nature of Iran's nuclear programme.

188. The ongoing crisis of confidence between Iran and the international community should be resolved through peaceful and diplomatic means and, in that context, Turkey appreciated the role played by the Agency and the Director General in pursuing dialogue and cooperation with Iran. As a neighbour of Iran, his country continued to encourage and actively contribute to all constructive efforts to that end and was prepared to act as a facilitator if required.

189. He thanked the Director General for the trust he had placed in Turkey regarding its possible role in connection with the proposal for refuelling the Tehran research reactor. It was Turkey's understanding that the parties had agreed in principle on an exchange of LEU and all that remained was agreement on the modalities. Turkey had put considerable effort into that proposal to bridge the gap between the parties and provide a window of opportunity for further diplomatic progress. There were viable alternatives on the table that should increase confidence on both sides. The message of the day should be not that an opportunity was going to be lost, rather that one still existed. Turkey planned to continue its efforts as needed.

190. Turkey reiterated that all States, provided they abided by their NPT obligations, had the right to develop peaceful nuclear programmes. The Agency played a central role, in accordance with its

statutory mandate, in facilitating the development and practical application of atomic energy for peaceful purposes. Turkey hoped that, once confidence in the exclusively peaceful nature of Iran's nuclear programme was restored, the Agency would be able to devote more time, energy and resources to that and its other statutory functions.

191. Mr PATNAIK (India) reiterated his delegation's consistent position that all countries should abide by the international obligations they had undertaken in exercising their right to develop peaceful uses of nuclear energy.

192. India trusted that Iran would cooperate with the Agency in a spirit of transparency and address the issues of concern described in the Director General's report. It believed that the Agency was the best forum to address the matter and bring clarity to the outstanding issues.

193. In conclusion, he urged all parties to cooperate in finding a peaceful settlement of the issue through dialogue.

**The meeting rose at 6 p.m.**