

**IAEA Board of Governors**

Record of the 1258<sup>th</sup> Meeting  
GOV/OR.1258

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

# Board of Governors

**GOV/OR.1258**

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## Record of the 1258<sup>th</sup> Meeting

*Held at Headquarters, Vienna, on Friday, 27 November 2009, at 10.30 a.m.*

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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 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 HU Xiaodi		China
Mr CODORNIU PUJALS		Cuba
Ms CALLESEN		Denmark
Mr FAWZY	}	Egypt
Mr SIRRY		
Mr MONDOLONI		France
Mr LÜDEKING		Germany
Mr AGRAWAL		India
Mr NAKANE		Japan
Mr YATANI		Kenya
Mr SHIM Yoon-Joe		Korea, Republic of
Mr SALAM		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 MARFURT		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
Mr ELBARADEI	_____	Director General
Mr ANING		Secretary of the Board

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

Algeria, Angola, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Colombia, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, Greece, Holy See, Hungary, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Israel, Italy, Jordan, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Lithuania, Mexico, Morocco, Namibia, Nigeria, Norway, Oman, Panama, Paraguay, Philippines, Poland, 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, Vietnam, Yemen and Zimbabwe.

**Abbreviations used in this record:**

DPRK	Democratic People's Republic of Korea
EFTA	European Free Trade Association
FEP	Fuel Enrichment Plant
FFEP	Fordow Fuel Enrichment Plant
LEU	low-enriched uranium
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
PFEP	Pilot Fuel Enrichment Plant

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

## 4. Nuclear verification:

### (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** (continued) (GOV/2009/74 and 79)

1. Mr ENKHSAIKHAN (Mongolia) noted that, although the Agency had continued to verify the non-diversion of declared nuclear material in Iran, there had in general been no movement on remaining issues of concern for over a year. Mongolia had always supported international efforts to resolve the issue on the basis of goodwill and cooperation, and it had supported the meeting held and the understandings arrived at in Geneva in October, as well as the Director General's efforts to address the issue of refuelling the Tehran research reactor, which it saw as important confidence-building measures. He expressed the hope that Iran would soon respond positively to those gestures. The draft resolution submitted by the delegation of Germany and contained in document GOV/2009/79 was balanced and its spirit was in line with the Director General's report. Mongolia supported the draft resolution and hoped it would play a positive role and provide a much-needed impetus to the latest efforts to resolve what was a longstanding issue.
2. Mr GARCÍA REVILLA (Peru), noting that the Agency continued to verify the non-diversion of declared nuclear material in Iran, that Iran had not suspended its enrichment-related activities or its work on heavy water-related projects as required by the Security Council, and that Iran's delay in notifying the Agency of the construction of a new pilot enrichment plant at Qom was inconsistent with its obligations under the Subsidiary Arrangements to its safeguards agreement, expressed regret over the difficulties encountered in the recent negotiations regarding the provision of nuclear fuel for the Tehran research reactor. Peru hoped that Iran would take advantage of the opportunity presented by those negotiations to re-establish a climate of dialogue and confidence concerning its nuclear activities. Equally, it hoped that Iran would take all necessary measures to resolve with the Agency all remaining issues and meet all the obligations and requirements imposed in relevant Security Council and Board resolutions.
3. Mr VALLIM GUERREIRO (Brazil) said that his country had consistently stated that Iran had the inalienable right to develop a nuclear programme for peaceful purposes, including development of all stages of the nuclear fuel cycle. It acknowledged the cooperation Iran had provided to the Agency thus far, which had allowed for the clarification of many outstanding issues regarding its nuclear programme. Brazil encouraged Iran to continue to cooperate in order to dispel remaining misgivings about the exclusively peaceful nature of its nuclear activities. The negotiations on arrangements for the provision of fuel for the Tehran research reactor presented an opportunity that should not be missed for building confidence and creating an atmosphere conducive to the settlement of all relevant outstanding issues, and his country commended the active and creative role played in those negotiations by the Director General. All parties involved should seize that unique opportunity. Brazil was convinced that there was still hope for reaching an agreement on the arrangements for the provision of fuel for the Tehran research reactor and, with that in mind, it urged all relevant parties, including the Board, to refrain from taking any action that might reduce the prospect of an acceptable outcome.

4. Mr MINTY (South Africa) commended the Agency on the impartial and professional manner in which it continued to execute its verification and safeguards mandate in relation to Iran's nuclear programme.

5. His country noted that Iran continued to provide access to declared nuclear material and all installed cascades at both the FEP and PFEP, and that the results of environmental sampling had confirmed that both plants had been operating as declared. With respect to the recently declared FFEP, the Agency had confirmed that the plant corresponded with the design information provided by Iran and that it was at an advanced stage of construction, although no centrifuges had been introduced into it. South Africa welcomed Iran's cooperation in providing the Agency access to the facility and encouraged it to continue such cooperation and provide further information as required as the facility was developed.

6. However, South Africa remained concerned that, in contravention of United Nations Security Council resolutions, Iran had not suspended its enrichment-related activities or its work on heavy water-related projects and, in that context, he reaffirmed that it was of the utmost importance that the steps required of Iran be viewed as evidence of that country's willingness to demonstrate transparency and to build confidence in the nature of its nuclear programme.

7. Equally, South Africa remained concerned that Iran had not yet ratified and implemented an additional protocol. It must also resume implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part on the early provision of design information, as a confidence-building measure. His country once again urged Iran to cooperate fully with the Agency and clarify all outstanding issues. There was a new opportunity to make substantial progress in building confidence as to the peaceful nature of its nuclear programme, and he appealed to Iran and all parties concerned to redouble their efforts to reach a sustainable solution that would reduce tension and promote cooperation.

8. Mr ELMESALLATI (Libyan Arab Jamahiriya)\* said that the language of threats and defiance could not be of assistance in finding a satisfactory solution to the issue of Iran's nuclear programme. His own country's experience of sanctions had shown that they did not succeed in forcing states to give up their sovereignty and their rights. Sanctions were applied by force and they sowed dissension and encouraged extremism. Iran should be encouraged to enrich uranium for peaceful purposes, as was its right, but the international community also had the right to ensure that Iran's nuclear programme was peaceful. That endeavour must be undertaken by the Agency and not by individual States. Iran abided by the Agency's Statute and comprehensive safeguards, but it had to cooperate with the Agency to dispel all remaining doubts regarding its nuclear programme. The Iranian file was sensitive, and the most opportune way of dealing with it was through dialogue and negotiation.

9. There was one State in the Middle East that possessed nuclear weapons yet did not implement any disarmament agreements. It received encouragement from States that employed a policy of double standards. Libya was very concerned by Israel's possession of nuclear weapons, which was a direct threat to peace and security in the Middle East region and throughout the world. It undermined the credibility of the NPT and contributed to an arms race in the Middle East.

10. Mr IQBAL (Indonesia)\*, expressing appreciation for the progress that had been made so far in resolving the remaining outstanding issues concerning Iran's nuclear programme, said that there was no reason to doubt the professionalism, impartiality and independence of the Agency and its Director General in handling the issue. Nevertheless, while continuing the verification process, the Agency had to find ways and means of guaranteeing the confidentiality of information relating to that process, especially information directly related to Iran's national security interests.

11. Indonesia encouraged Iran to continue its cooperation by entering into a more intensive and substantive dialogue with the Agency. A foundation for healthy dialogue and cooperation between Iran and the Agency, and the international community, was clearly in the making. It must be maintained and even strengthened, and should not be prejudiced or hampered by any initiative or actions that could damage the existing healthy state of relations. Indonesia continued to believe in the importance of nurturing an atmosphere conducive to negotiation and it supported a more intensive dialogue among all interested parties, being of the firm belief that diplomacy and negotiation remained the best choice for a peaceful solution.

12. Mr ALKAABI (United Arab Emirates)\* said his country supported the peaceful use of nuclear energy within a framework based on full transparency and strong safeguards strengthened by the additional protocol. Thus, it supported requests by the Agency for Member States to cooperate in addressing issues of concern, and direct dialogue between the Agency and Member States to resolve any outstanding issues. It therefore welcomed the current negotiations between Iran and the Agency and hoped that a positive outcome could be reached and the outstanding issues clarified. In addition, it was important that countries in the Middle East region be given a bigger role when it came to issues of relevance to them.

13. Mr DÍAZ (Mexico)\*, noting that Iran's delay in informing the Agency of its plans to construct the FFEP had reduced the level of confidence in the absence of other nuclear facilities under construction in that country and had given rise to questions about whether there might be other undeclared nuclear facilities there, reiterated his country's serious concern over the lack of progress with respect to the application by Iran of the modified Code 3.1 of the Subsidiary Arrangements General Part. Equally disquieting was the fact that Iran had not suspended its enrichment-related activities as required by the United Nations Security Council.

14. It was essential that Iran re-engage with the Agency with a view to resolving the outstanding issues concerning its nuclear programme. Mexico once again urged the Government of Iran to cooperate effectively and without delay with the Agency and to take all necessary measures to ensure that all outstanding issues were resolved in a transparent and expeditious manner, in the interests of international peace and security and complying with its NPT obligations. The international community required additional transparency measures by the Iranian authorities to provide credible assurances of the absence of undeclared nuclear material and activities. Mexico also supported the Agency's request to States which had provided documentation and information to it to agree to more of it being shared with Iran.

15. Finally, he welcomed the efforts of the Agency to assist Iran, the United States of America and the Russian Federation, inter alia, to find a mechanism for providing Iran with the nuclear fuel it needed for the Tehran research reactor in exchange for part of the LEU it currently possessed. He encouraged the parties to engage in dialogue and diplomacy and to take advantage of the window of opportunity that had opened up.

16. Mr OTHMAN (Syrian Arab Republic)\* said it was surprising that pressure continued to be brought to bear on Iran in connection with its legitimate exercise of its rights under Article IV of the NPT to the peaceful uses of nuclear energy. Iran was a party to the NPT and abided by all its provisions. No proof had been found as yet that Iran had violated its obligations under its comprehensive safeguards agreement with the Agency despite intensive Agency inspections both announced and unannounced. Iran was exercising its legitimate and inalienable right to the peaceful use of nuclear energy.

17. His country was truly surprised that the international community was still exerting pressure on Iran and taking it to task on the basis of mere suspicions and false allegations. Iran was being required



by the international community to ratify and implement the additional protocol, while it was already a party to the NPT and had a comprehensive safeguards agreement with the Agency. Yet, at the same time, the international community was ignoring Israel, which was not a party to the NPT and did possess by its own admission a significant nuclear arsenal. It was regrettable that double standards continued to be applied blatantly. Israel, which possessed a military nuclear capability and which violated all international resolutions was not subject to any international control, was not held accountable and was left unpunished.

18. All Member States should strive for regional and international peace and security and his country called for continued constructive dialogue. Syria hoped that the imposition of further restrictions on developing States would cease and that double standards would be avoided. He called upon the Board not to agree to adopt a resolution which would have negative consequences and impair the spirit of cooperation.

19. Mr AZOULAY (Israel)\* said that the Director General's report had once again raised the curtain on Iran's secretive nuclear activities, revealing that country's continued defiance of all its international obligations, including Agency Board and United Nations Security Council resolutions.

20. Iran had failed to notify the Agency in time of the design and construction of its clandestine enrichment facility near Qom, and it was only Iranian concern over exposure by Western governments that had prompted a hasty letter to the Director General one day after the most recent General Conference. For those who had been following Iran's systematic campaign of deception over more than two decades, that had come as no surprise. As the Director General had noted in his report, Iran's declaration of the new facility had reduced the level of confidence in the absence of other nuclear facilities under construction and had given rise to questions about whether there were any other nuclear facilities in Iran which had not been declared.

21. It was incumbent on the Board to take firm action to bring all activities at the Qom facility to a complete halt. The facility should not be legitimized by the Agency and the international community as another Iranian enrichment facility, in defiance of all relevant resolutions which called on Iran to suspend all its enrichment activities. Iran was making a mockery of the Board of Governors. Its brazen attitude and constant violations of norms, obligations, agreements and commitments called for more than words from Member States on the Board. Furthermore, Iran was continuing to enrich uranium in Natanz in complete disregard of Security Council resolutions. The international community should ban altogether any operation at the Qom facility. Deception, non-compliance and violations should not be rewarded.

22. Qom, Natanz, heavy water production and other overt and covert activities of Iran should not divert attention from the outstanding issues referred to in the Director General's report, which gave rise to concerns and to the need to rule out the existence of possible military dimensions of Iran's nuclear programme. The Agency was still awaiting a response from Iran on those and other unclarified issues, but Iran was in no hurry. Carefully worded reports and pleas by the international community would not bring about a change in Iran's brazen and defiant attitude. Iran had been given ample opportunities to show minimum cooperation with the express demands of the international community, but to no avail, and the Board should send a clear and resounding message to it

23. Mr RODRIGO (Sir Lanka)\*, reaffirming the inalienable right of all States to develop research, production and use of nuclear energy for peaceful purposes, said there was a need to continue the process of dialogue and engagement between Iran and the Agency in order to address remaining issues related to Iran's nuclear programme. Diplomacy and negotiation based on mutual trust were the best way to resolve such issues. Sri Lanka firmly believed that avenues for dialogue and discussion had not been fully exhausted, and there was a need to move forward in that direction. The remaining issues

related to Iran's nuclear programme should be resolved within the Agency through diplomacy and dialogue.

24. Mr SOLTANIEH (Islamic Republic of Iran)\* said that the report of the Director General once again acknowledged the peaceful nature of Iran's nuclear activities. The Agency had been able to verify the non-diversion of Iran's nuclear material and activities and the report showed that all Iran's nuclear facilities and activities were under Agency full-scope safeguards.

25. The consideration by the Board of the implementation of safeguards in Iran was prompted by the political motivations of a handful of countries which wanted to use the issue to change the promotional mandate of the Agency to a regulatory watchdog approach. If Iran had not been a party to the NPT, not only would it not have faced such challenges in the Agency and the United Nations Security Council, but the same countries which had imposed illegal resolutions and sanctions would be accepting it for nuclear cooperation.

26. The report of the Director General, in violation of the Agency's statutory mandate, contained extensive confidential technical details which created confusion for readers, diplomats and the public at large. The purpose of the report was to reflect the results of verification and to indicate whether or not it had been possible to conduct verification and, if so, whether or not the findings were consistent with declarations. The Secretariat was not supposed to express regret or pleasure, but simply to report facts.

27. Turning to specific points, he noted that uranium enrichment and the operation of the heavy water research reactor had not been suspended since there was no legal justification for suspending such peaceful activities which were within the framework of the Agency's Statute and the NPT and under Agency surveillance. He also noted that Iran had implemented a voluntary suspension for more than two and a half years as a non-legally binding confidence-building measure.

28. The additional protocol was not a legally binding instrument but was voluntary in nature. Indeed, the majority of Member States, including Iran, were not implementing it. Again, Iran had voluntarily implemented the additional protocol for more than two and a half years as a confidence-building measure.

29. Likewise, Iran had been voluntarily implementing the modified Code 3.1 of its Subsidiary Arrangements since 2003 but, owing to the illegal Security Council resolutions against Iran's peaceful nuclear activities, implementation had been suspended. However, Iran was currently implementing Code 3.1.

30. It had never been the understanding of Iran and the Agency that the so-called alleged studies were to be categorized as an outstanding issue. Moreover, if the alleged studies were to be viewed as an outstanding issue, Iran and the Agency should have developed and agreed on detailed modalities for dealing with that issue, as they had with respect to the other outstanding issues mentioned in the Attachment to document INFCIRC/711. Under the work plan, the Agency had been required to submit all documentation to Iran, and only then was Iran expected to inform the Agency of its assessment. No visit, meeting, personal interview or swipe samplings had been foreseen to address the matter. Nevertheless, acting in good faith and a spirit of cooperation, Iran had gone beyond that understanding by agreeing to hold discussions with the Agency, by providing the necessary supporting documents and by informing the Agency of its assessment. Having fully implemented the tasks agreed upon in the work plan, Iran was of the view that its nuclear issue in the Agency had been closed and that routine implementation of safeguards in Iran should be resumed.

31. With regard to the FFEP, Iran was required to declare a facility to the Agency 180 days prior to introducing nuclear material. However, Iran had voluntarily informed the Agency 18 months prior to

introducing nuclear material to that site, had submitted a design information questionnaire, had granted unlimited access to the facility, had held meetings, had provided detailed information and had allowed samples and photographs to be taken during the inspections conducted in October 2009. Another inspection had been carried out the preceding week and the inspection team had been given unlimited access. The head of the inspection team had termed the mission a success and had expressed appreciation for Iran's proactive cooperation and for having been granted unlimited access to the site. The Director General had reported that the Agency had confirmed that the plant corresponded to the design information provided by Iran. The site's very existence, as a backup for Natanz, was due to the fact that Iran's nuclear facilities had been under continuous threat of military attack. The Agency was thus obliged to protect any information provided during inspections with the utmost vigilance and care to prevent any security consequences; unfortunately it had failed to do so.

32. With regard to the supply of fuel for the Tehran research reactor, he noted that the Agency was committed to facilitating the exchange of information and nuclear material among Member States for peaceful uses. Furthermore, parties to the NPT undertook to cooperate in the area of the peaceful uses of nuclear energy.

33. The request for fuel for the Tehran research reactor had been submitted to the Director General on 2 June 2009. The facility was a 5 MW light water research reactor producing radioisotopes for medical purposes. During the 53rd General Conference, the Director General had informed the President of the Atomic Energy Organization of Iran that Russia and the United States had expressed their readiness to supply the fuel. A non-paper to that effect which had been provided suggested that an equivalent amount of uranium for the required fuel should be taken from the LEU produced in Iran and transferred to Russia for further enrichment. That was not in line with normal practice, which was to pay and to receive fuel in return. However, in order to promote technical cooperation and give the parties concerned a chance to correct their past discriminatory practices and double standards, Iran had welcomed the proposal, while making a number of observations of an economic and commercial nature. It was vital to seize the opportunity and to provide the fuel for a humanitarian project of that kind.

34. Iran's expert team had participated in negotiations in October 2009 in a spirit of cooperation and with full authority to conclude an agreement. That process had nothing to do with the negotiations with the five permanent members of the Security Council plus Germany, since it related to a purely technical project within the sphere of the Agency and not a political issue. Although the meeting had been constructive, it had not been possible to reach an agreement. Iran had been ready to participate in a second round of meetings as soon as possible with a positive attitude and in the expectation of addressing its legitimate technical and economic concerns — specifically guarantees and assurances of fuel supply, bearing in mind the past confidence deficit in that respect. Regrettably, that second round of meetings had not taken place because of the unwillingness of other parties.

35. Time was of the essence, since the fuel at the Tehran research reactor was running out and some 200 hospitals which relied on the facility for radiopharmaceuticals would then face humanitarian difficulties. He therefore urged the Agency and the parties concerned to resume technical negotiations without further delay. Iran needed firm guarantees for the supply of fuel for the reactor, otherwise other options would be considered.

36. For the record, Iran was a responsible country which had a clear nuclear policy. It deplored nuclear weapons and advocated a world free of such weapons. It stressed the inalienable right of all nations to benefit from peaceful uses of nuclear energy without discrimination. The Agency should stop politically motivated debates about Iran's peaceful nuclear activities which had already jeopardized its technical standing and mutual confidence among Member States and the Secretariat.

37. He expressed appreciation to the Director General for his efforts during his tenure and wished the new Director General every success in addressing the challenges ahead. Member States had high expectations of technical cooperation, the main pillar of the Agency's activities, and hoped for a depolarization of the organization. In the international civil service, impartiality and resistance to political pressure were essential.

38. Finally, he urged the Board not to adopt the draft resolution contained in document GOV/2009/79, which would jeopardize the current cooperative relations between Iran and the Agency and would discourage his country from taking further voluntary steps along the lines of those taken on several occasions in the past. Those voluntary steps, which had gone above and beyond Iran's legal obligations, had been in response to the Director General's friendly request, whereas Iran had never responded to pressure, resolutions, sanctions or threats of military attack. He appealed to all to follow the course of cooperation and mutual respect instead of confrontation.

39. At the request of Mr Uzcátegui Duque (Bolivarian Republic of Venezuela), a roll-call vote was taken on the draft resolution contained in document GOV/2009/79.

40. Afghanistan, having been drawn by lot by the Chairman, was called upon to vote first.

41. The result of the vote was as follows:

In favour: Argentina, Australia, Burkina Faso, Cameroon, Canada, China, Denmark, France, Germany, India, Japan, Kenya, Republic of Korea, Mongolia, Netherlands, New Zealand, Peru, Romania, Russian Federation, Spain, Switzerland, Ukraine, United Kingdom, United States of America, Uruguay

Against: Cuba, Malaysia, Bolivarian Republic of Venezuela

Abstaining: Afghanistan, Brazil, Egypt, Pakistan, South Africa, Turkey

42. There were 25 votes in favour and 3 against, with 6 abstentions. The resolution was adopted.

43. Mr ANWAR (Pakistan), speaking in explanation of vote, said that his country was heartened by the recent positive initiatives for direct diplomatic engagement with Iran. Pakistan had favoured a negotiated solution all along, and one which was squarely within the framework of the Agency. It was also encouraged by the Agency's assessment concerning non-diversion of declared nuclear material in Iran. Progress should continue with the aid of necessary confidence-building measures by all parties, including Iran.

44. No steps should be taken at the current stage which might derail the diplomatic process. The Director General must be allowed to verify the correctness and completeness of the Iranian declarations. Accordingly, it was important that the Board make no pronouncement at the current stage.

45. Pakistan had thus abstained in the vote, believing that a confrontational approach would further complicate the issue and put additional strain on regional stability. It was his country's hope that the Agency could and would move forward to resolve the issue through negotiations to the satisfaction of the Board.

46. Mr DAVIES (United States of America), speaking in explanation of vote, said that the resolution just adopted was the first resolution the Board had adopted on Iran since 2006 and it underscored the Board's serious concern about Iran's continued defiance of relevant resolutions of the Board and the United Nations Security Council.

47. The United States continued to urge Iran to comply fully and without delay with its obligations under Security Council resolutions and meet the requirements of the Board, including by immediately suspending construction at the FFEF. It called on Iran to engage with the Agency on the resolution of all outstanding issues concerning its nuclear programme and to cooperate fully with the organization by providing the access and information the Agency requested. The Board's resolution stressed the need for Iran to live up to its international obligations and ensure transparency with respect to its nuclear programme if it wished to demonstrate its exclusively peaceful intent, rather than further indulging in evasion and unilateral reinterpretations of its obligations. The United States fully supported the Agency in its efforts, particularly at a time when the international non-proliferation regime was in need of strengthening.

48. President Obama had made it clear that the United States was willing to work with Iran to achieve a diplomatic solution to the nuclear dilemma which that country had created for itself. However, the patience of the United States and of the international community was limited. To date, Iran had refused to agree to a follow-up meeting to the meeting held on 1 October with the five permanent members of the Security Council plus Germany if its nuclear programme was included on the agenda. The United States had strongly supported, and continue to support, the Director General's proposal to provide Iran with fuel for its Tehran research reactor to help meet the medical and humanitarian needs of the Iranian people while building confidence in Iran's intentions. It would continue to pursue a diplomatic solution, but Iran must understand that its continued refusal to move down the path of serious engagement left no choice but to pursue a second path of persuasive action.

49. Mr AGRAWAL (India), speaking in explanation of vote, said that, in his report, the Director General had noted that there had been no progress on remaining issues of concern which needed to be clarified for the Agency to verify the exclusively peaceful nature of Iran's nuclear programme. The Director General had concluded that Iran's failure to notify the Agency of the existence of the new facility until September 2009, rather than as soon as the decision to construct it or to authorize construction had been taken, was inconsistent with its obligations under the Subsidiary Arrangements to its safeguards agreement and that Iran's late declaration of the new facility reduced confidence in the absence of other undeclared nuclear facilities under construction.

50. India had consistently supported the right of all States to the peaceful use of nuclear energy in a manner that was consistent with their respective obligations. Iran, a signatory to the NPT, had all the rights and obligations pertaining to the use of nuclear energy for peaceful purposes that went with its membership of that treaty. His country also underlined the importance of the full and effective implementation of all safeguards obligations undertaken by Agency Member States.

51. India's support for the resolution was based on the key points contained in the Director General's report. At earlier Board meetings, his delegation had underlined the critical importance of continued cooperation and dialogue between the Agency and Iran. The Agency's safeguards system provided the firm foundation for the international community's confidence that peaceful uses of nuclear energy and non-proliferation objectives could be pursued in a balanced manner. The integrity of the system had to be preserved. The role of the Director General had a vital bearing on the consideration of all issues by the Board. The conclusions he had drawn in his report were therefore difficult to ignore.

52. In recent months, his country had been encouraged by the new pathways of engagement that had opened up with Iran, including the recent meetings in Geneva and Vienna, which had given rise to hopes of constructive and productive results. Accordingly, it did not believe that the adoption of the resolution should divert the parties away from dialogue. The resolution could not be the basis for a renewed punitive approach or new sanctions. Indeed, the coming weeks should be used by all

concerned to expand diplomatic efforts to address all outstanding issues. India firmly supported keeping the door open for dialogue and avoiding confrontation.

53. Mr FAWZY (Egypt) said that his delegation had abstained in the vote for a number of reasons. Firstly, the view expressed by a number of Member States that the timing of the resolution was inopportune had unfortunately been disregarded by the sponsors. Secondly, the draft resolution could not be regarded as contributing in any way to an environment which would help build up mutual trust and confidence. Thirdly, it might bring about an unfortunate shift away from a much anticipated breakthrough that for a while had appeared to be within reach. Fourthly, it ignored the broader situation in the Middle East where the establishment of a nuclear-weapon-free zone remained elusive owing to one State's refusal to engage with others on that matter.

54. Egypt had consistently supported Iran's right to develop and benefit from the peaceful uses of nuclear energy, while insisting on the importance of its exercising that right in full conformity with its legal obligations. With regard to the existence in Iran of a previously undeclared nuclear facility, despite Iran's repeated assurances that nothing was being concealed from the Agency, he noted that Iran continued to ignore repeated calls by the Secretariat and many Member States for an early return to implementation of the modified Code 3.1 of its Subsidiary Arrangements. Any undeclared or unsafeguarded nuclear facilities in the Middle East constituted a threat to Egypt's security and to the security of the entire region. Egypt had consistently striven for greater security in the Middle East and had worked for the establishment of a nuclear-weapon-free zone there and the placing of all nuclear facilities in the region under comprehensive Agency safeguards. The draft resolution, despite its shortcomings, must be seen as part of that process. However, to bring stability to the Middle East, the States of the region, and those beyond it, must seize the opportunities that presented themselves for conflict resolution. He commended the Director General for the efforts he had consistently exerted with a view to resolving the issue, particularly his most recent initiatives.

55. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) said his delegation had voted against a draft resolution that condemned Iran owing to its conviction that such actions merely exacerbated the climate of mistrust and confrontation. Venezuela considered that Iran had fulfilled its legal obligations under its safeguards agreement and firmly believed that the positive steps taken should be recognized in order to create a propitious climate for future exchange of information between the Agency and the Iranian Government and for the pursuit of a course of cooperation and confidence building.

56. Mr CODORNIU PUJALS (Cuba) said the adoption of the draft resolution had been a mistake. It exacerbated the political climate and did nothing to promote cooperation or encourage use of the window of opportunity that was still open. He expressed regret that the sponsors had ignored the calls by many Member States for them to reconsider their position. It was to be hoped that the fact that the draft resolution could not be adopted by consensus, and that many countries had signalled their disagreement with the proceedings, would convince the sponsors not to use the draft resolution as the basis for new attempts to impose pressure and sanctions on Iran.

57. Mr SALAM (Malaysia) expressed appreciation for the Chairpersons's efforts to resolve the matter without confrontation. The draft resolution just adopted was counterproductive, had the potential to jeopardize the cooperation provided by Iran and would further undermine efforts to build trust and confidence. It would also be detrimental to the ongoing dialogue on fuel arrangements for the Tehran research reactor.

58. Mr VALLIM GUERREIRO (Brazil) said his country was convinced that there was still hope of reaching an agreement on arrangements for the provision of fuel for the Tehran research reactor. He

urged all parties concerned, including the Board, to refrain from any steps that might reduce the prospects for an acceptable outcome.

59. Mr LÜDEKING (Germany) recalled that the representative of the Libyan Arab Jamahiriya had remarked that the language of threats and defiance was not helpful. He fully shared those sentiments. It was unfortunate that Iran had mentioned the possible consequences that might arise if the draft resolution was adopted. As the Governor from Mongolia had indicated, the draft resolution was not confrontational or condemnatory and it would provide impetus for the resolution of a longstanding issue.

60. Germany's commitment to a comprehensive diplomatic solution was unwavering. It hoped that the window of opportunity for a negotiated solution of the outstanding issues relating to the Iranian nuclear programme would remain open and that the opportunity would be seized. France, Germany and the United Kingdom, and China, the Russian Federation and the United States had extended their hands to Iran. He called on Iran to take those hands.

61. Mr SOLTANIEH (Islamic Republic of Iran)\* expressed his Government's deep concern and disappointment at the adoption of a hasty and inappropriate resolution imposed by a few members on the Board. The resistance of some members of NAM that had voted against the resolution proved their commitment to the principles of the Non-Aligned Movement and to the spirit and the letter of the Agency's Statute. He also thanked the Chairperson for seeking to avert confrontation and polarization.

62. The resolution referred to such obsolete issues as suspension, the additional protocol, the modified Code 3.1 of the Subsidiary Arrangements and the so-called alleged studies, which had been thoroughly explained in the past. It was entirely political in nature and lacked any legal or technical basis. Despite the lack of any legal obligation to do so, his Government had proved its goodwill and had decided to declare the FFEP to the Agency 18 months earlier than was envisaged under its comprehensive safeguards agreement. Pursuant to the request made by the Director General during his visit to Iran at the invitation of the President of the Atomic Energy Organization of Iran, the Iranian Government had agreed to provide the Agency with the design information questionnaire for the FFEP, to permit inspection and to grant the inspectors unlimited access. The results of the inspection were reflected in the Director General's report, which declared clearly that the findings of the inspectors were consistent with Iran's declaration.

63. The result of that extensive cooperation could now be seen in the resolution adopted against Iran. Were such gestures helpful or destructive? — They were certainly destructive and spoiled the existing cooperative environment. And what lessons one could learn from such politically motivated developments? — That being a party to the NPT, implementing treaty obligations and cooperating beyond what was strictly required would be met with pressure, resolutions, sanctions and the threat of military attacks, whereas if one did not join the NPT, one would benefit from complete freedom from inspection, control and punitive measures; and, more surprisingly, if one acquired and developed nuclear weapons, one would be rewarded. What a shameful and discriminatory situation that was! Even more shameful was the silence of those preaching peace and justice in the world.

64. It seemed that past experience in the Agency was being intentionally neglected. Hence he considered it appropriate to recall that the immediate consequence of the unjustified and illegal behaviour of a few States in conveying Iran's nuclear issue to the United Nations Security Council had been a decision by the Iranian parliament mandating the Government to suspend voluntary cooperation with the Agency in some areas, such as implementation of the additional protocol and the modified Code 3.1. He himself had warned strongly against those States taking that step, as he had known what his Government's reaction would be, but he had not been heeded.

65. The draft resolution just adopted was not only not likely to improve the current situation, it would jeopardize the environment needed for the success of the Geneva and Vienna negotiations that were expected to lead to a common understanding. It raised serious doubts about the political resolve and goodwill of other parties to pursue the path of interaction and continue the Geneva and Vienna negotiations.

66. Iran would never bow to pressure and intimidation with regard to its inalienable right to the peaceful uses of nuclear energy. Knowledge was the heritage of mankind and no one had the right to deprive any nation from benefiting from it. The Government of Iran accordingly had no other choice but to fulfil the legitimate expectations of its people by maintaining the peaceful uses of nuclear energy, including enrichment activities. Neither the resolutions of the Board of Governors or of the United Nations Security Council, which lacked any legal basis, nor sanctions or the threat of military attack could interrupt, even for a second, peaceful nuclear activities in Iran, including enrichment. Iran's nuclear policy would continue to be the full implementation of its international obligations, and cooperation with the Agency under its comprehensive safeguards agreement, and nothing more. It could not accept any measures imposed on it.

67. Referring to the comments made by the representative of Israel, he said it was shameful that he had dared to speak in such a manner. The international community had long deplored the Israeli threats to the region and the world at large, as witnessed by the resolution adopted at the most recent General Conference of the Agency. The ongoing threat of attack by Israel on nuclear facilities in the region had obliged his Government to establish a back-up enrichment plant at Fordow. Israel's dark record of aggression, occupation and military attack on nuclear installations, which had been condemned by the General Conference in the 1980s, should be recalled by all. Iran had proposed that the Agency send a fact-finding mission to Israel to clarify certain ambiguities, and it was ready to bear the cost of that mission. The statement by the Zionist regime was regrettable, but it would only strengthen Iran's determination to continue its peaceful nuclear activities without interruption. However, it was shameful that countries that preached democracy and justice should remain silent and not condemn Israel.

68. The Governor from Germany might have noticed, during all negotiations in which he had been involved, that it was not advisable to use the word 'must', because the answer from Iran was always then a resounding 'no'. No resolutions had ever been implemented by Iran, or negotiations concluded successfully, when force had been used instead of a friendly approach. Iran's interlocutors would be best advised not to use the policy of the carrot and the stick, an uncivilized policy dating back to the colonial era. Times had changed.

69. Lastly, addressing the delegation of the United States, which country had recently adopted a slogan of change at both domestic and international level, he said that the vote in the draft resolution had proved that its words and deeds were not consistent. The Iranian Government was justified in not believing that the United States was truly extending its hand in cooperation — it was simply trying to mislead the international community.

70. He once again expressed profound regret at what had happened. No one should imagine that the vote on the draft resolution would not meet with some response from his Government. There would certainly be a response — what form it took would be decided by his Government. That was not a threat, but a reality.

71. The CHAIRMAN noted that the resolution which had just been adopted would be issued as document GOV/2009/82. He took it that the Board agreed to the resolution being made public.

72. It was so decided.



73. The CHAIRMAN further took it that the Board agreed to the Director General's report contained in document GOV/2009/74 being made public.

74. It was so decided.

### **3. Request by the Russian Federation regarding its Initiative to Establish a Reserve of Low Enriched Uranium (LEU) for the Supply of LEU to the IAEA for its Member States (resumed) (GOV/2009/ 80)**

75. The CHAIRMAN, recalling that no consensus had been reached on the item during the discussions at the Board's 1256th meeting, invited the Board to take a decision on the draft resolution contained in document GOV/2009/80 and announced that the Russian Federation had requested that a vote be taken by roll call.

76. South Africa, having been drawn by lot by the Chairman, was called upon to vote first.

77. The result of the vote was as follows:

In favour: Afghanistan, Australia, Burkina Faso, Cameroon, Canada, China, Denmark, France, Germany, Japan, Republic of Korea, Mongolia, Netherlands, New Zealand, Peru, Romania, Russian Federation, Spain, Switzerland, Ukraine, United Kingdom, United States of America, Uruguay.

Against: Argentina, Brazil, Cuba, Egypt, Malaysia, Pakistan, South Africa, Bolivarian Republic of Venezuela.

Abstaining: India, Kenya, Turkey.

78. There were 23 votes in favour and 8 against, with 3 abstentions. The resolution was adopted.

79. Mr CODORNIU PUJALS (Cuba), speaking in explanation of vote, said that, given its complexity and sensitivity, the issue of assurance of supply called for detailed analysis and negotiation and the final decision should be taken by the General Conference. The proposal for the establishment of an LEU reserve put forward by the Russian Federation was the proposal with the best chances of being realized, if it were to encompass also the positions of the developing countries. Unfortunately, that was not the case. Cuba had voted against the proposal, in line with its principled opposition to the adoption of initiatives to which conditions were attached. For example, the proposal made the eligibility of a Member State to receive LEU from the reserve conditional upon the Board's not being in the process of considering any reports on safeguards implementation in that State. The adoption of the proposal in no way implied that other proposals must be adopted, but rather that — on such an important matter — it had been deemed advisable to take a vote.

80. Mr FAWZY (Egypt) said that Egypt had voted against the resolution because it was unable to support such a proposal before the substantive questions and concerns that it raised had been thoroughly discussed and clarified. Issues that did not command consensus in the Board were not ripe for action.

81. Notwithstanding repeated assurances that the implementation of fuel supply initiatives would in no way affect the right of States to the peaceful use of nuclear energy, the fact remained that the aim

of such initiatives was to discourage States from benefiting fully from the NPT-based right to develop their nuclear capabilities as they saw fit. While the conditionality attached to early fuel supply initiatives had disappeared from subsequent proposals, there could be little doubt that the objective remained the same. Furthermore, fuel supply initiatives implicitly promoted the misguided idea that certain technologies were intrinsically proliferation-sensitive in certain hands. Those who regarded some parts of the fuel cycle as proliferation-sensitive should set an example by tabling initiatives whereby they would voluntarily relinquish control over their own enrichment and reprocessing activities.

82. The fundamental logic that lay at the heart of fuel supply initiatives could seriously undermine the credibility of Agency safeguards, which had been developed in order to allow States to benefit from the peaceful uses of nuclear energy. Egypt was not ready to accept the notion that safeguards could not provide the required assurances regarding the peaceful nature of nuclear programmes and must therefore be progressively replaced by interdictions. Its concerns needed to be addressed rather than short-circuited.

83. His country reiterated its call to all those who had tabled fuel supply proposals to engage in comprehensive and inclusive negotiations without predetermined outcomes and to avoid a 'take it or leave it' approach. It was only when the Board and the Agency as a whole proceeded in a consensual manner that they could succeed.

84. Mr ANWAR (Pakistan) said that his country had consistently maintained that there was a need for greater care and caution in addressing the important issue of fuel supply assurances. It believed that the time was not yet ripe for the Board to consider and decide on individual proposals. A consensus agreement must first be reached on a coherent conceptual framework. Such an agreement should outline in specific terms the relevant parameters, especially those of a legal, political, technical and economic nature.

85. Pakistan was unable to accept a proposal which was not in full conformity with the Agency's Statute, which went beyond the legal obligations of Member States and which did not uphold the principle of non-discrimination. However, it remained open to a future dialogue that was positive and constructive and that addressed its genuine concerns.

86. Mr AGRAWAL (India) said that his country welcomed the concept of an international fuel bank and, as a country with advanced nuclear technology, would like to participate in such initiatives as a supplier nation. If properly conceived and implemented, the concept could play a role in the expansion of civil nuclear energy around the world. All Member States of the Agency should have access to fuel bank arrangements set up under Agency auspices, provided they were in compliance with their respective safeguards obligations. The right of any Member State to carry out research and development work on the nuclear fuel cycle in connection with peaceful uses of nuclear energy should not be affected by such arrangements.

87. While India was grateful to the sponsors of the resolution for their willingness to engage constructively on the text, it had abstained because it would have preferred more consultations in order to take account of the views and concerns of all Member States and reach a consensus on such an important issue. The principles and norms underlying proposals for fuel supply assurances should not import concepts from frameworks that were extraneous to the Agency or that were discriminatory in their application. Such an approach was of critical importance for the long-term success of such efforts. India was ready to engage constructively with others in further work on the subject.

88. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) said that his country had voted against the resolution because doubts persisted regarding the reliability and credibility of the fuel assurance mechanisms proposed to date and regarding the eligibility criteria and financial

implications. Decisions on such a complex and sensitive issue should be taken by consensus and should involve all Member States of the Agency. Proposals should be consistent with the Statute and should not encroach on the inalienable rights of Member States to research, develop and use nuclear energy for peaceful purposes.

89. Mr VALLIM GUERREIRO (Brazil) said that his delegation had expressed substantive concerns of a technical nature about the initiative to establish an LEU reserve both at the June meetings of the Board and during the discussion of the item the preceding day. It had received no convincing responses to those concerns. On both occasions, it had stated that it was willing to participate constructively in future discussions with a view to reaching a consensus decision. As no such discussions had been held, Brazil had voted against the resolution.

90. Mr CURIA (Argentina) said that his country also had raised fundamental issues regarding the agenda item at the June meetings of the Board and on the preceding day without obtaining the requested clarifications. When the Agency addressed such a major issue, it should always work on the basis of consensus. As it had failed to take adequate steps to secure such a consensus, Argentina had voted against the resolution.

91. Mr DAVIES (United States of America) said that the Director General had assembled an expert group on multilateral approaches to the nuclear fuel cycle in mid-2004. The resolution just adopted was based on many intervening reports, proposals and formal and informal discussions. The United States had sponsored the resolution with a view to promoting dialogue in the Board and the Agency on ways of reinforcing the market in nuclear fuel services through various concepts involving fuel reserves, export licensing, multinational enrichment facilities, improved information sharing and other such concepts that might be put forward. It hoped and expected that the dialogue could continue.

92. Mr BARRETT (Canada) welcomed the adoption of the resolution and looked forward to its immediate implementation. However, the issue had been a divisive one and many concerns had been raised about multilateral fuel supply arrangements and their possible broader implications. He therefore proposed that interested Member States continue their consultations on the matter, perhaps on the basis of the Secretariat paper that was being prepared in response to those concerns. Each proposal needed to be assessed on its individual merits. Nevertheless, it might still be helpful to explore whether, as suggested by many Member States, a broader conceptual framework could be developed that would facilitate the consideration by the Board of other proposed fuel supply arrangements.

93. Mr BERDENNIKOV (Russian Federation) warmly thanked the sponsors of the resolution and the Board members who had voted in favour of it. He was sure that they would not be disappointed by the outcome of their decision.

94. Addressing Board members who had voted against the resolution or abstained, he said he was confident that the practical implementation of the proposal would afford them a better insight into its goals and would encourage them to change their negative attitude in the course of time. He also expressed the hope that implementation of the Russian proposal would lead to the adoption of other related proposals by consensus.

95. Finally, he requested that the resolution be made public.

96. The CHAIRMAN asked the Board whether it was agreeable to the resolution being made public.

97. It was so agreed.

## 4. Nuclear verification:

### (d) Implementation of the NPT safeguards agreement in the Syrian Arab Republic (GOV/2009/75)

98. Ms HELLSTROEM (Sweden)\*, speaking on behalf of the European Union, the candidate countries Croatia and the Former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, and the Republic of Moldova and Ukraine, said that the European Union was concerned at the lack of progress in clarifying issues pertaining to the implementation of Syria's safeguards agreement. Syria had still not provided information or access that would allow the Agency to confirm its statements regarding the non-nuclear nature of the destroyed building at the Dair Alzour site. There had been no cooperation on the part of Syria to enable the Agency to determine the origin of the anthropogenic natural uranium particles of a type not included in Syria's declared inventory that had been found at the Dair Alzour site. The Agency had not been given the requested access to locations and documentation. Syria had failed to substantiate its claims that certain procurement efforts were related to civilian activities and it had shown no willingness to engage in substantive discussions with the Agency.

99. The results from the samples taken in July 2009 at the miniature neutron source reactor in Damascus did not support Syria's earlier explanation of the origin and presence of the anthropogenic natural uranium particles found there. Syria had later identified other possible sources of those particles but its explanations in that connection needed to be further investigated by the Agency. The European Union hoped that the activities carried out during the Agency's inspection of 17 November 2009 would provide the clarification sought.

100. Every State with a comprehensive safeguards agreement in force was required to declare all its nuclear installations and material and to report any new nuclear facility to the Agency once the decision regarding its construction was taken. The European Union therefore urged Syria to cooperate with the Agency in order to ensure that safeguards were applied to all source and special fissionable material subject to its safeguards agreement. Otherwise the completeness and correctness of Syria's declarations under the agreement would remain in doubt.

101. Although the European Union understood Syria's concerns about the sensitivity of information and locations for a site of a declared military nature, it stressed that such concerns did not preclude Agency investigations. The European Union was convinced that Syria and the Agency could establish modalities that would enable the Agency to proceed with its verification work while protecting sensitive military information.

102. The European Union called on Syria to sign and ratify an additional protocol as soon as possible in order to strengthen the confidence of the international community in the peaceful nature of its nuclear activities.

103. Finally, the European Union acknowledged the Director General's request to other Member States that might possess information of relevance to the verification of Syria's safeguards agreement — especially on the issue of Dair Alzour — to provide such information to the Agency.

104. Mr SIRRY (Egypt), speaking on behalf of NAM, reiterated the view that, in considering the issue under discussion, it was essential not to lose sight of the manner in which it had initially been brought to the attention of the Agency. As was recognized in the Director General's report to the November 2008 meetings of the Board, 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 by some Member States concerning the building at the Dair Alzour site. It was regrettable that the Board had not expressed itself clearly in that regard.

105. NAM recalled the position expressed in the final document adopted at the summit of NAM Heads of State and Government held in Sharm El Sheikh, Egypt, in July 2009:

"The Heads of State and Government *underscored* the Movement's principled position concerning non-use or threat of use of force against the territorial integrity of any State. In this regard, they *condemned* the Israeli attack against a 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."

106. NAM noted Syria's claim that the destroyed facility on the Dair Alzour site was a non-nuclear military installation. It also noted Syria's statement that it had provided all the information it possessed regarding the questions raised by the Agency concerning the site.

107. NAM also welcomed Syria's stated resolve to continue cooperating with the Agency. It stressed that, during the conduct of safeguards activities, access to information, activities and locations must be provided in accordance with the letter of Syria's comprehensive safeguards agreement. It encouraged Syria and the Agency to continue cooperating with a view to resolving any remaining issues in that regard. NAM also welcomed and encouraged the ongoing cooperation between Syria and the Agency regarding the implementation of safeguards at the miniature neutron source reactor.

108. NAM reiterated its full confidence in the Agency's professionalism and impartiality and stressed once again that all Member States should avoid exerting undue pressure on or interfering in the Agency's activities, especially its verification activities, since such action could jeopardize the Agency's efficiency and credibility.

109. NAM also supported the Director General's request to other Member States, including Israel, which might possess information of relevance to the Agency's verification activities to make such information available to the Agency.

110. Mr POKOTYLO (Ukraine) expressed regret that no progress had been made in clarifying any of the outstanding issues relating to the implementation of Agency safeguards in Syria. It noted with particular concern that the particles of anthropogenic natural uranium found at the Dair Alzour site did not correspond to Syria's declared inventory and that Syria had not declared the imports of uranyl nitrate into the country.

111. While acknowledging Syria's security arguments regarding the Dair Alzour site, Ukraine could not agree that they justified its denial of access to Agency inspectors, especially in the light of the Agency's mandate under Syria's safeguards agreement. It was in Syria's interest to cooperate with the Agency so that it could confirm the non-nuclear nature of the destroyed building at the site. All outstanding issues relating to the origin of the anthropogenic natural uranium particles and the relevant procurement efforts had to be resolved. Ukraine believed that Syria's security concerns could be settled in a manner that would enable the Agency to continue its work. He called on Syria to cooperate with the Agency with a view to resolving all remaining issues relating to information, activities and locations. His country also awaited the sampling results from the inspection conducted on 17 November 2009.

112. Mr BARRETT (Canada) said that his country remained deeply concerned about revelations that pointed to possible undeclared nuclear material, facilities and activities in Syria and about nuclear cooperation between Syria and the DPRK.

113. While Canada recognized and regretted the difficulties that the Agency had faced in conducting its investigations at the Dair Alzour site owing to the physical circumstances, it also noted the very serious potential proliferation threat that would be posed by an undeclared nuclear reactor of the kind that appeared to have existed there. It therefore strongly supported the Agency's efforts to investigate the situation further.

114. His country was increasingly concerned about the lack of progress in clarifying any of the outstanding issues owing to lack of Syrian cooperation. In particular, Syria had failed to provide information or access that would allow the Agency to confirm that country's statements regarding the non-nuclear nature of the destroyed building at the Dair Alzour site or to determine whether, as alleged, there was any functional relationship between the site and three other locations. Syria had also failed to substantiate its claims regarding certain procurement efforts that could have supported the construction of a reactor and had not 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. The presence of such particles, of a type not included in Syria's declared inventory, raised questions about the correctness and completeness of Syria's declaration.

115. The report clearly indicated that Agency access to information, activities or locations could not be restricted because of possible military connections and that the Agency had offered to engage with Syria to establish the necessary modalities for managed access to sensitive information and locations. In that context, Syria's ongoing lack of cooperation only served to undermine confidence further.

116. Canada strongly urged Syria to provide all the requested additional information and access at an early date so that the Agency could complete its assessment. Full and transparent cooperation with the Agency was essential to restore confidence in the nature of its nuclear programme.

117. The Director General's report had raised further questions regarding the possible sources of anthropogenic uranium found at the miniature neutron source reactor. The results of environmental sampling at the facility did not support Syria's earlier explanation of the origin and presence of such particles. Canada urged Syria to cooperate immediately and fully with the Agency to address safeguards-related concerns and to restore confidence.

118. The issue should remain on the Board's agenda until confidence in the exclusively peaceful nature of Syria's nuclear programme had been fully restored. He also requested that the report contained in document GOV/2009/75 be made public.

119. Mr CODORNIU PUJALS (Cuba) welcomed the fact that both the Secretariat and the Syrian authorities were still working to clarify various aspects of the case under discussion. The fact that little progress had been made since the Board's preceding series of meetings was not surprising. It had been clear from the outset that the inspectors' task would be very difficult, if not impossible, since the Secretariat's verification activities had been undermined by Israel's unjustified bombardment of the Dair Alzour site and by the great delay in the provision of information — which had also proved to be incomplete — by those who had taken it upon themselves to act as plaintiffs in the case.

120. Cuba's position remained clear-cut. No analysis of the case could disregard the extraordinary circumstances that had given rise to it. Those circumstances, for which Syria was not responsible, could not be invoked to coerce Syria to move beyond its safeguards obligations. It was unfair to impose such requirements on a country that had been the victim of an attack. Cuba could not support such a course of action that could set precedents and turn transparency measures into legal obligations

applicable to any Member State which, whether on real or fictitious grounds, became the target for political action by certain States, a scenario which was quite possible given the prevailing imbalance in international political relations.

121. If the Agency was finding it difficult to fulfil its statutory duties, the responsibility lay entirely with those who impeded its activities, especially Israel which had yet again breached international law by bombing the Dair Alzour site. It was surprising that a group of Board members continued to ignore that attack while doing their utmost to keep Syria in the dock. Their double standards undermined the Board's credibility and were a reflection of their political commitment to Israel, a State that flagrantly violated international law and the objectives and principles of the Charter of the United Nations.

122. With regard to the proposal by Canada to publish the Director General's report, Cuba reiterated its position that Board documents that dealt with specific Member States should be published only with the consent of those States. Syria was opposed to the publication of the report, which was understandable in view of its extraordinary and sensitive nature and because many of the issues it dealt with were still under investigation.

**The meeting rose at 1 p.m.**