

IAEA Board of Governors

Record of the 1259th Meeting
GOV/OR.1259

Any other business

Board of Governors

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Record of the 1259th Meeting

Held at Headquarters, Vienna, on Friday, 27 November 2009, at 3.40 p.m.

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¹ 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
Ms CONTRERAS DE ECKER		Australia
Mr POTTS		Azerbaijan
Mr HASANOV		Brazil
Mr VALLIM GUERREIRO		Burkina Faso
Mr SOULAMA		Cameroon
Mr MPAY		Canada
Mr WOOD		China
Mr LI Sen		Cuba
Mr CODORNIU PUJALS		Egypt
Mr FAWZY		France
Mr MONDOLONI		Germany
Mr LÜDEKING		India
Mr PATNAIK		Japan
Mr NAKANE		Kenya
Ms KIRAGU		Korea, Republic of
Mr SHIM Yoon-Joe		Malaysia
Mr SALAM		Mongolia
Mr ENKHSAIKHAN		Netherlands
Mr HAMER		New Zealand
Ms MACMILLAN		Pakistan
Mr ANWAR		Peru
Mr GARCÍA REVILLA		Romania
Mr NECULĂESCU		
Mr BERDENNIKOV	}	Russian Federation
Mr SERGEEV		South Africa
Mr GUMBI		Spain
Mr ROSELLÓ SERRA		Switzerland
Mr MARFURT		
Mr FIDAN	}	Turkey
Ms DARAMA		Ukraine
Mr POKOTYLO		United Kingdom of Great Britain and Northern Ireland
Mr SMITH		
Mr DAVIES	}	United States of America
Mr PYATT		Uruguay
Mr VEDOVATTI RAFFO		Venezuela, Bolivarian Republic of
Ms PETERSEN PARRA		
Mr ELBARADEI	_____	Director General
Mr AMANO		Director General Elect
Mr ANING		Secretary of the Board

Representatives of the following Member States also attended the meeting:

Angola, Armenia, Austria, Belarus, Belgium, Bulgaria, Chile, Colombia, Croatia, Cyprus, Czech Republic, Dominican Republic, 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, Malta, Mexico, Morocco, Namibia, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Saudi Arabia, Slovakia, Slovenia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, the Former Yugoslav Republic of Macedonia, Tunisia, Yemen and Zimbabwe.

Abbreviations used in this record:

DPRK	Democratic People's Republic of Korea
GRULAC	Latin American and Caribbean Group
MNSR	miniature neutron source reactor
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons

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

4. Nuclear verification

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

1. Mr CURIA (Argentina) said that it was necessary to come to a full understanding regarding not only the presence of the uranium particles at Dair Alzour, but also the imagery documentation in the Agency's possession related to that site and the information on certain procurement activities.
2. For that reason, Syria should provide additional information and supporting documentation on the past use and nature of the building located at the site, as well as information concerning the procurement activities. Also, Syria should grant access to other locations which might be related to Dair Alzour, establishing the necessary modalities for managed access to information and locations so as to protect Syria's strategic military information.
3. His delegation encouraged the Director General and the Secretariat to continue to carry out their responsibilities with the professionalism demonstrated to date with a view to early clarification of the situation.
4. Mr MARFURT (Switzerland) noted that essentially no progress had been made since the last report on the issues related to the Dair Alzour site and that Syria's explanations concerning the presence of anthropogenic natural uranium particles at the MNSR did not correspond with the results of the Agency's analyses.
5. A year and a half had passed with no substantial progress on the matter and, for the moment, there was no sign that the situation might change. From all indications, the matter involved more than just nuclear aspects, and so one could be only moderately optimistic about the chances of eventually resolving it in the present forum alone.
6. Switzerland encouraged all the parties involved to do their respective utmost to end the deadlock. For Syria, that would mean responding without reservation to the Agency's repeated requests for cooperation. For Israel, that would mean acting on the Agency's specific requests for information. And, for States possessing relevant information in connection with the Dair Alzour site, that would mean allowing the Agency to use that information as it saw fit.
7. Ms PETERSEN PARRA (Bolivarian Republic of Venezuela) reiterated her Government's categorical rejection of any strike against another territory, which was a flagrant violation of the United Nations Charter and an insult to the principles of peaceful coexistence and of respect for the territorial integrity of sovereign nations. There was no justification for sanctioning attacks against other countries.
8. Analysis of the item under discussion was fraught with questions and flawed from the start owing to the inadmissible bombing carried out by Israel against Syrian territory. Syria had been the victim of aggression. That use of force, together with the lack of prompt cooperation by some States, had prevented the Agency from carrying out its normal verification responsibilities with respect to Syria. More information was being requested of Syria, the State which had been attacked, including information that went beyond its legal commitments and touched on issues related to its national security.

9. Venezuela considered that requests for information ought to be made within the framework of the legal obligations assumed by each Member State or as a result of negotiations into which they, as sovereign nations, had chosen to enter.

10. Venezuela was confident that, on the basis of mutual respect, non-interference, dialogue and negotiation, information exchanges between Syria and the Agency would continue with a view to reaching prompt resolution of the matter.

11. Mr PYATT (United States of America) said that Syria's ongoing refusal to cooperate with the Agency remained of serious concern to his country and should concern all supporters of the Agency's safeguards system and the international non-proliferation regime. The Board must not allow any country to hinder inspectors or attempt to dictate its safeguards obligations and the terms by which the Agency might carry out its verification responsibilities.

12. The United States hoped Syria would decide to change course and provide the Agency with a full account of its past and present nuclear programme, and allow the Agency the access to locations and information it had requested. Until then, the Agency would not be in a position to give the international community meaningful assurances that Syria was not engaged in undeclared nuclear activities. Indeed, in the reports to the Board evidence was mounting that Syria's clandestine nuclear activities were not limited to the Dair Alzour facility.

13. The Agency had been investigating those activities for well over a year. Regrettably, Syria had not used that time to resolve the serious outstanding questions about the reactor and other sites of interest to the Agency. Instead, it had attempted to dictate the terms of and actively hinder the Agency's efforts to verify the scope and peaceful nature of Syria's nuclear activities. Contrary to its safeguards obligations, Syria continued to deny inspectors access to locations and information the Agency deemed essential to the fulfilment of its verification mandate.

14. Syria had not provided credible explanations for the presence of undeclared chemically processed uranium at the site of the destroyed reactor and continued to refuse to provide information and supporting documentation about the facility. Syria had not adequately addressed the Agency's questions about nuclear related procurement efforts and continued to deny the Agency information related to nuclear cooperation with the DPRK. Worse yet, according to the Agency's own review of commercial imagery from those sites, Syria, after receiving the Agency's request to visit the sites and while denying access, appeared to have sanitized them.

15. The Board should not tolerate Syria's undermining of the Agency's verification efforts as it called into question the credibility of Agency safeguards.

16. The United States noted with concern Syria's assertion that it had no obligation to provide more information under its safeguards agreement because of the military and non-nuclear nature of the Dair Alzour site and the other three locations. That amounted to unilaterally seeking to change the terms of its safeguards obligations. As stated clearly in the Director General's report, "the presence at the Dair Alzour site of particles of anthropogenic natural uranium of a type not included in Syria's declared inventory gives rise to questions about the correctness and completeness of Syria's declaration, which the Agency is obliged to pursue". Furthermore, the Director General had rejected Syria's unfounded assertions that it had no obligation to provide information and access due to the military nature of a site.

17. The United States also noted with serious concern that significant questions had now arisen about the correctness and completeness of Syria's declaration regarding the MNSR, a safeguarded facility, given that anthropogenic uranium of a type not included in Syria's declared inventory had been detected at the hot cells there.

18. After being confronted with evidence contradicting its previous explanation, Syria had presented two additional possible sources for the undeclared uranium traces: domestically produced yellowcake and small quantities of imported, but previously undeclared, commercial uranyl nitrate. That raised a serious question about Syria's compliance with its safeguards agreement.

19. Article 33(b) of Syria's safeguards agreement, contained in document INFCIRC/407, required that when any material containing uranium or thorium which had not reached the stage where it was suitable for fuel fabrication or for isotopic enrichment was imported, Syria should inform the Agency of its quantity and composition, unless the material had been imported for specifically non-nuclear purposes. The presence of uranyl nitrate at the MNSR suggested it had been intended for nuclear related purposes. Why else would it have been there? In that regard, the United States noted the Secretariat's statement at the technical briefing that the uranyl nitrate should have been declared to the Agency for safeguards purposes.

20. The United States was pleased that the Agency had been permitted to conduct a follow-on visit to the MNSR on 17 November and looked forward to receiving a report before the meetings of the Board in March about whether Syria had resolved the Agency's outstanding questions concerning the origin of the undeclared anthropogenic uranium detected at the facility and on the safeguards implications of the previously undeclared activities.

21. When considering the importance of the outstanding questions and the mounting evidence that Syria's clandestine nuclear activities were not limited to Dair Alzour, the Board should not forget that the configuration and location of the destroyed reactor suggested that it had not been intended for peaceful purposes. Given the gravity of the issue and the fact that Syria continued seriously to impede the Agency's verification efforts, the United States urged all Board members to join it in demanding that Syria cooperate with the Agency fully and without delay by granting it access to any information, debris and sites that it needed to complete its investigation.

22. Syria's attempts to deceive the Agency and the international community before and during the investigation underscored the Agency's limited ability to fulfil its mission in a country which had a comprehensive safeguards agreement but no additional protocol. The international community had developed the additional protocol so that inspectors had the tools they needed to verify the absence of undeclared nuclear activity and to provide the necessary assurance that a country's declaration was not only correct but also complete, and that its nuclear programme therefore existed for exclusively peaceful purposes. The United States called on Syria, and all States that had not yet done so, to sign and implement an additional protocol without delay.

23. The existence of undeclared nuclear sites seemingly intended for non-peaceful purposes and the possibility of safeguards violations including undeclared nuclear material were matters of grave concern to the entire international community. Therefore, in a spirit of transparency, the United States believed the Board should make the Director General's report on the implementation of the NPT safeguards agreement in Syria available to the public.

24. In conclusion, the United States strongly urged Syria to provide, without further delay, whatever access and information the Agency might deem necessary in order to resolve all outstanding questions.

25. Mr NAKANE (Japan) noted with concern from the Director General's latest report that the results obtained from additional samples had not supported Syria's explanation concerning the presence of anthropogenic natural uranium particles found at the MNSR. Japan noted that Syria had identified domestically produced yellowcake and imported uranyl nitrate as other possible sources of the particles. It was deeply regrettable that the imported uranyl nitrate had not been declared. Japan would carefully examine the results of the Agency's verification of the MNSR conducted on 17 November 2009 and hoped that Syria's statements regarding the possible sources of the natural

uranium particles, including the intended purpose of the yellowcake, would be clarified promptly through Syria's further cooperation with the Agency.

26. Japan was concerned that Syria had not provided information or access that would allow the Agency to confirm Syria's assertion that the destroyed building on the Dair Alzour site had been of a military and non-nuclear nature. Also, the presence at the Dair Alzour site of particles of anthropogenic natural uranium of a type not included in Syria's declared inventory gave rise to questions about the correctness and completeness of Syria's declaration.

27. Japan called on Syria to be more cooperative and transparent. Syria should enter into substantive discussions with the Agency on the nature of the destroyed building, discuss the relevant satellite imagery, and make other information available to it. Japan also called on other States to provide the Agency with information relevant to its verification efforts. Japan hoped that, with Syria's cooperation, conclusions could soon be reached regarding the sources of the uranium particles found at Dair Alzour and the MNSR and a possible connection between those particles, the procurement activities, and the allegations of nuclear cooperation with the DPRK.

28. Japan, which had long advocated and actively worked toward universalization of the additional protocol, continued to appeal to all countries which had not yet done so to sign, ratify and implement one. It therefore called on Syria to do so in order to ensure further transparency.

29. Finally, he expressed the hope that the Board would be kept informed on the matter.

30. Mr SERGEEV (Russian Federation) noted that no progress had been made in clarifying the outstanding questions since the Director General's report in September. Russia supported the Director General's call for Syria to cooperate with the Agency in its verification activities. Also, it was important for the Agency to obtain access to information in the hands of other States which might have led them to conclude that the facility at Dair Alzour was a nuclear reactor. Russia endorsed the Director General's call for countries with such information, including Israel, to make it known to the Agency.

31. The Agency must continue its efforts aimed at early confirmation of Syria's statements, including in connection with the presence of anthropogenic natural uranium particles in the environmental samples taken at the MNSR.

32. Mr POTTS (Australia) took note from the Director General's latest report to the Board on the implementation of safeguards in Syria that essentially no progress had been made since the preceding report in clarifying any of the outstanding issues. Syria had not provided the necessary cooperation to permit the Agency to confirm Syria's statements regarding the destroyed building at Dair Alzour, determine the relationship between that site and three other locations, or verify Syria's claims regarding procurement efforts which, in the Agency's view, could support the construction of a nuclear reactor.

33. Nor had Syria cooperated with the Agency's investigation into the origins of the anthropogenic natural uranium particles found at Dair Alzour, which were of a type not included in Syria's declared inventory of nuclear material. Syria had not provided any information to support its assertion that those particles had originated from the missiles used to destroy the facility and Australia noted that the Agency had repeated its assessment that there was a low probability that Syria's explanation was correct.

34. Australia regretted that Syria had not responded positively to the Agency's repeated requests to have substantive discussions on the nature of the destroyed building at Dair Alzour or to the Agency's offer to share satellite imagery and other information. Moreover, Syria had not acceded to the

Agency's requests for access to debris, salvaged equipment, the remains of munitions or the three other locations allegedly related to Dair Alzour.

35. Syria's assertion that it was under no obligation to provide information on Dair Alzour and the three other locations on account of their military and non-nuclear nature could not be supported. As the Director General noted in his report, there was no limitation in the safeguards agreement on Agency access to information, activities or locations simply because they might be military related. The fact that undeclared nuclear material had been found underlined the fundamental importance of the matter to the Agency.

36. Australia called upon Syria to provide the necessary cooperation to permit the Agency to determine the origin of the anthropogenic nuclear particles found at the Dair Alzour site, the nature of the destroyed building and the three possibly related locations, and to verify Syria's claims regarding certain procurement activities. Syria needed to engage with the Agency to establish the necessary modalities for managed access to enable the Agency to make progress in its verification, while protecting Syria's sensitive military information.

37. Syria's non-cooperation with the Agency regarding Dair Alzour was, regrettably, not new. What was new was the Secretariat's report on the additional sampling conducted by the Agency at the MNSR in June 2009. The results had not indicated the presence of anthropogenic natural uranium in either the standard reference materials or on the shielded transport container, which Syria had indicated as possible sources of the uranium particles discovered in August 2008. In light of those results, Syria had suggested on 2 November two other possible sources: domestically produced yellowcake or uranyl nitrate. Australia noted that the uranyl nitrate had not been declared. While the quantity of uranyl nitrate involved, according to the technical briefing, was small, Syria had been under an obligation to declare its procurement and import.

38. Acknowledging Syria's cooperation with the Agency with respect to the MNSR investigation, Australia urged Syria to provide the Agency with all the further information requested and looked forward to the outcome of the Agency's analysis of the inspection on 17 November at the MNSR.

39. Australia also urged Syria to sign, ratify and implement an additional protocol at the earliest possible date.

40. It was incumbent on all Board Members to support the Agency's investigations. Australia encouraged other States which might possess information relevant to the Agency's verification to make such information available to the Agency, where appropriate.

41. Australia asked the Director General to continue to report to the Board on the implementation of safeguards in Syria.

42. Ms MACMILLAN (New Zealand), noting that the item had been on the Board's agenda for over a year, expressed concern that Syria had not yet provided the cooperation necessary to permit the Agency to determine the origin of the anthropogenic natural uranium particles found at the Dair Alzour site. New Zealand regretted that Syria had also not provided the information or access needed to allow the Agency to confirm Syria's statements regarding the non-nuclear nature of the destroyed building at Dair Alzour or to determine the existence of any functional relationships between that site and the three other locations.

43. New Zealand regretted that Syria had continued to decline the Agency's request for substantive discussions and to assert that under its safeguards agreement it had no obligation to provide more information. In that regard, she noted the Agency's conclusion that the safeguards agreement between Syria and the Agency placed no limitation on Agency access to information, activities or locations simply because they might be military related. New Zealand called on Syria to be more cooperative

and transparent in providing the Agency information about, and access to, the Dair Alzour site and the three other locations.

44. Her delegation noted that the results of the July 2009 physical inventory verification at the MNSR had not indicated the presence of anthropogenic natural uranium particles in either the standard reference materials or on the shielded transport container which Syria had indentified as possible sources.

45. New Zealand expressed concern that the other possible sources identified by Syria included small quantities of imported, but previously undeclared, commercial uranyl nitrate. It was New Zealand's understanding from the technical briefing that, in accordance with Syria's safeguards agreement, the uranyl nitrate should have been declared on import.

46. Noting from the report that the Agency had carried out an inspection at the MNSR on 17 November, she said New Zealand looked forward to the results of that analysis and called on Syria to provide the requested information concerning the yellowcake, the uranyl nitrate and any other uranium-containing materials which might have been the source of the anthropogenic natural uranium particles.

47. New Zealand encouraged all other States which might have information relevant to the Agency's verification to make it available to the Agency.

48. In conclusion, she called on the Director General to keep the Board advised on the matter.

49. Mr FAWZY (Egypt), having noted that the report contained few developments of a substantive nature, expressed satisfaction that an exchange of letters and visits between Syria and the Agency was ongoing. Egypt urged both parties to continue working together without losing sight of their respective legal obligations and the inherent limitations. Safeguards could be implemented effectively only in a context of clearly defined rights and obligations and mutual confidence.

50. Egypt noted that the Director General's repeated call for other States which might possess relevant information to make it available to the Agency had manifestly been ignored. If that call continued to be ignored, the Board would have to question inclusion of the agenda item in future Board meetings.

51. He recalled that the Dair Alzour issue had been brought to the attention of the international community and the Board as a result of one Member State's flagrant violation of international law. The Board could not pretend that that had not happened, nor could it pretend that such behaviour had no bearing on the Agency's credibility and the implementation of safeguards. Those who did not condemn such behaviour must be regarded as condoning it. They could not call for strict adherence to international obligations, on the one hand, while turning a blind eye to the United Nations Charter, on the other.

52. Finally, as in the past, Egypt opposed derestriction of the Director General's report.

53. Mr SHIM Yoon-Joe (Republic of Korea) expressed his country's concern that no progress had been made in clarifying the outstanding issues relevant to the implementation of safeguards in Syria. The Agency should be provided with the necessary cooperation and access to information, locations and materials in order to determine the origin of the anthropogenic natural uranium particles found in samples taken at the Dair Alzour site.

54. The Republic of Korea took note of the Director General's statement in his report that Syria's safeguards agreement placed no limitation on Agency access to information, activities or locations simply because they might be military related, and it joined the Director General in urging Syria to

engage with the Agency to establish the necessary modalities for managed access to information and locations to enable the Agency to establish the facts and make progress in its verification.

55. The Republic of Korea noted with concern that the results of the July 2009 physical inventory verification at the MNSR had showed the presence of anthropogenic natural uranium particles at a number of locations and on certain equipment. It was also concerned about Syria's explanation that the possible sources could be domestically produced yellowcake and previously undeclared commercial uranyl nitrate.

56. The Republic of Korea encouraged the Agency to continue its investigation and inspection of the facilities and, at the same time, it urged Syria to cooperate with the Agency so that the latter, in accordance with its mandate under the safeguards agreement with Syria, was able to ensure that safeguards were applied to all sources and special fissionable materials subject to the safeguards agreement.

57. Mr FIDAN (Turkey) noted that no progress had been achieved since the September Board in determining the origin of the anthropogenic natural uranium particles found at the Dair Alzour site. He further noted that the presence and origin of the anthropogenic natural uranium particles found in samples taken at the MNSR in Damascus had yet to be clarified. Turkey believed that Syria would provide the information required by the Agency in that regard.

58. Turkey welcomed Syria's cooperation with the Agency during the inspection on 17 November and hoped that the results of analyses of the new samples would help bring the investigation to a satisfactory conclusion.

59. Concerning the destroyed building at the Dair Alzour site, Turkey took note of the Secretariat's request for information, locations, equipment and materials to confirm Syria's explanations, as well as its willingness to work out modalities with Syria for managed access to protect Syria's sensitive information. Turkey considered that discussions between the Agency and Syria on those issues might be helpful in clarifying the situation.

60. Highlighting the report's repeated call for all States to make relevant information available to the Agency, he said it was essential that all parties display full transparency with a view to assisting the Agency in concluding its investigation without further complications.

61. Mr GUMBI (South Africa) joined others in encouraging Syria to provide the cooperation, information and unrestricted access required under its safeguards agreement. In engaging with the Agency to establish the necessary modalities for managed access to information and locations, Syria would facilitate progress in verification while protecting military and other information it considered sensitive.

62. Member States should direct any concerns they had about another Member State's safeguards agreement to the Agency without delay. South Africa supported the Director General's appeal to States that might possess relevant information, including satellite imagery, to make it available to the Agency, and authorize the Agency to share it with Syria. South Africa strongly encouraged Israel to provide the specific information requested by the Agency.

63. Mr SOLTANIEH (Islamic Republic of Iran)* expressed regret that the Agency's credibility as a technical body was being jeopardized owing to politicization and the ill intentions of a few member countries to create an environment of confrontation. The crux of the matter — a military attack against a Syrian site by an Agency Member State, Israel, under the false pretext that it was a nuclear reactor — was being totally ignored. No Western country had condemned the act, which had created potential threats and security concerns in the region. Such an act constituted a clear violation of resolution GC(XXXIV)/RES/533 of 1990, which stated that an armed attack on and threat against nuclear

facilities was a violation of the principles of the United Nations Charter, Agency Statute and international law, upon which the United Nations Security Council had to act immediately. The seeming unconcern in that regard by the European Union and other Western countries and their failure to condemn Israel manifested double standards and an unjust and discriminatory approach that brought into question their credibility. Either they were influenced by the Zionist lobby or they had a hidden agenda to keep the Agency involved in political tensions and polarize its Member States.

64. The time had come for the developing countries to act against the political avalanche of challenges and threats issued by a few Western powers, which were trying to run the Agency as if it were their private business. He hoped that those countries had learned a lesson earlier that day when they had failed to achieve consensus on the Iran resolution, contained in document GOV/2009/82, thus further polarizing Member States. Iran's bitter experience should teach other countries that the more they cooperated, the tougher the sanctions and resolutions brought against them would be. He advised all countries in a similar situation not to take a single step beyond their legal obligations since such voluntary measures could be used against them in the future.

65. The Director General had correctly criticized the United States of America for providing untimely and largely distorted information about the attack on the Syrian site, thus creating a serious obstacle to the Agency performing its verification activities. The act by the Zionist regime of Israel, with its dark record of aggression and military attacks against nuclear installations, had been carried out with the full cooperation of the United States. That was a matter of serious concern, threatening the Agency's climate of cooperation, and must be condemned by all Member States.

66. He pointed out that, in sharing with the public the technical details of its work, the Department of Safeguards created confusion, including among members of the Board and of the Agency. Any revelation of confidential and sensitive information about Member States naturally led to mistrust between those States and the Secretariat in view of the potential threat to their national security.

67. Mr ELMESALLATI (Libyan Arab Jamahiriya)* condemned Israel's attack against Syria, an independent and sovereign State, destroying a facility alleged to be a nuclear installation. That act had been a violation of international law and had prevented the Agency, the sole international body with the competence to perform inspections in the field of nuclear energy, from satisfactorily conducting its work. His country welcomed the Agency's verification efforts in that regard, even though its task had been made more difficult by the Israeli attack. Also, Libya called on all relevant Member States to cooperate further with the Agency regarding implementation of the NPT safeguards agreement with the Syrian Arab Republic.

68. While the subject of Syria was still under discussion and Agency verification was still under way, Libya did not consider that the report contained in document GOV/2009/75 should be made public, as it might have harmful repercussions on the verification process.

69. The international community had to end its discriminatory policy of double standards, which would lead only to radicalization and extremism. For its part, Israel should desist from carrying out such attacks and submit its nuclear facilities to Agency safeguards. It should be borne in mind that all the Arab States in the region were party to the NPT and had safeguards agreements with the Agency, and that some had signed an additional protocol.

70. Mr AZOULAY (Israel)* said that the Director General's latest report showed a pattern of ongoing non-cooperation with the Agency by Syria. It was withholding information about the nuclear reactor site at Dair Alzour and refusing access to several sites, including the one where the debris of the destroyed reactor was located. Syria's latest false assertions contradicted its previous false assertions.

71. The report revealed additional disturbing findings regarding the nature of Syria's nuclear activities, which constituted a gross breach of that country's obligations under its safeguards agreement. Syria's failure to report and explain the presence of uranyl nitrate and yellowcake at the MNSR ran counter to its legal obligations.

72. Not only did the report's findings depict a consistent picture of Syria's violations, deception, denial and non-cooperation regarding its nuclear programme and activities, but the accumulated findings also raised suspicions that Syria's clandestine nuclear programme was more extensive than formerly assessed. The Board needed to ensure that the Agency completed its investigation in that regard and that Syria provided the evidence it was withholding.

73. He called upon other speakers wishing to address his country to use its proper name — Israel — as part of their confidence-building measures.

74. Mr OTHMAN (Syrian Arab Republic)* thanked all speakers who had expressed support for his country's position. It was regrettable that others had continued to level accusations and make disingenuous allegations against Syria, despite all its cooperation and positive engagement with the Agency.

75. Syria had officially informed the Agency of the nature of the building destroyed by Israel in its unjust attack of September 2007, and of the nature of the new building. Although his country had confirmed to the Agency that neither building was related to any nuclear activity and had consistently engaged with the Agency since May 2008 in accordance with its relevant international obligations, the Agency continued to demand that Syria provide even more cooperation.

76. Israel's attack on Syria and its destruction of a military installation under construction had been a flagrant violation of international law and reflected Israel's aggressive nature. At that time, Syria had exercised self-restraint to avoid escalation of the situation in one of the most tense areas of the world. Yet, instead of imposing strict sanctions on the aggressor, Israel, some parties still insisted on not bringing it to legal account. They continued to level charges against Syria and demand information which it did not possess. That was a glaring example of the application of double standards.

77. In June 2008, under a memorandum of understanding, Syria had allowed an Agency team to visit the site of the destroyed building, although it was a military building and despite the fact it was still in a state of war with Israel, which occupied part of its territory and the territory of some Arab States. The agreement had stipulated that only one visit would be made. Syria had extended full cooperation to the Agency team, granting it freedom of movement around the military site and the surrounding buildings. It had also given written responses to all the questions raised, either during the visit or subsequently. The cooperation and information provided by Syria had been for the sake of maintaining a spirit of cooperation between itself and the Agency, and was not part of its international obligations. He underlined that the information and facilities provided pertained to military sites, which fell outside the scope of Syria's comprehensive safeguards agreement with the Agency.

78. With regard to the Agency's request for access to the debris left behind by the Israeli attack, Syria had informed the Agency that it had removed the debris at the time. That had been the logical action to take and had been an internal matter. What was illogical, had been the Agency's request to view the debris about a year after its removal.

79. The presence of a few natural uranium particles in some of the samples collected by the Agency team from the site of the destroyed building in June 2008 and from various other sites scattered over a large open area could not be scientifically explained as resulting from nuclear activities, nor could they be described as undeclared nuclear material, since they were only particles.

80. With regard to the MNSR, his delegation was surprised that the Agency had included in the Director General's report the results of the minute quantities of anthropogenic natural uranium particles found in the course of routine inspection of the laboratories there in 2008 and 2009. The facility had been subject to Agency safeguards since 1996. Syria had extended full cooperation to the Agency inspectors during their latest inspection on 17 November 2009 to identify the sources of those particles, used in neutron activation analysis. It was well known that the sources, which certain States claimed Syria had not declared to the Agency upon import, were sources that Syria had not even sought to import since they were commercially available inside the country and throughout the world. They had nothing whatsoever to do with safeguards. The results obtained from the use of such sources had been published in databases worldwide. His delegation requested that the matter not be included in further reports by the Director General and that there be a return to routine correspondence between Syria and the Agency in that regard.

81. Syria reiterated its readiness to cooperate with the Agency to resolve the issues as speedily as possible, provided that was not at the expense of national security and sovereignty. It hoped that the international community would understand Syria's position and support it in its efforts. Syria called on the Agency to play its role in a neutral and fair manner, not to rely in its reports on non-credible open sources and not to heed the demands of certain States whose political intentions were clear to all.

82. The Agency should ask Israel to put an end to its violations of international law under the pretext that it was not party to the NPT. As a member of the Agency, the rules that applied to others also applied to Israel. Israel should be requested to provide a list of its nuclear bombs and depleted uranium missiles, and it should allow Agency inspectors to take environmental samples from the storage sites of the missiles that had been used in the attacks against Syria, with a view to ascertaining that they did not contain the said uranium particles. As long as Israel was still a member of the Agency, all its nuclear facilities must be subject to relevant Agency rules and decisions.

83. He reiterated that Syria would continue to cooperate with the Agency in the application of all the provisions of its comprehensive safeguards agreement. In order to preserve the credibility of the Agency, Syria asked the Board not to make the Director General's report public. It contained sensitive information, which should not even have been included in the report; inspectors' records were for internal processing only. Making the report public only aggravated matters. Syria also asked the Agency to act in earnest to close the file and learn from its previous experience so as not to allow history to repeat itself.

84. The CHAIRMAN, summing up, said that several members had noted with concern that the results of samples taken at the MNSR in Damascus did not support Syria's explanation for the origin and presence of the anthropogenic natural uranium particles, of a type not in Syria's declared inventory found there. They had expressed the view that the matter raised questions about Syria's compliance with its safeguards agreement and they had noted the Agency's continuing investigations in that regard. Several members had noted with concern the presence of previously undeclared uranyl nitrate at the MNSR.

85. Several members had welcomed and encouraged the ongoing cooperation between Syria and the Agency regarding the routine implementation of its full-scope safeguards agreement at the MNSR. Some members had emphasized that safeguards could only be implemented effectively in the context of clearly defined rights and obligations.

86. Several members had expressed their concern that Syria had still not provided the Agency with all the additional information and supporting documentation regarding the destroyed building at the Dair Alzour site, nor allowed access to all of the locations requested by the Agency. They had expressed their concern at the lack of progress in clarifying those issues.

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

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

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

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

91. Several members had expressed appreciation for the cooperation provided thus far to the Agency by Syria and had urged Syria to continue to provide full cooperation, consistent with its legal obligations, in order to enable the Agency to complete its assessment. They had welcomed Syria's resolve to continue cooperating with the Agency as testified by Syria's letters to the Agency.

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

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

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

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

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

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

98. The Board had requested that the Director General continue to keep it informed of developments as appropriate.

99. He took it that his summing-up was acceptable.

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

101. The CHAIRMAN noted that there had been requests to make public the report of the Director General contained in document GOV/2009/75. However, as there was no consensus on the matter, he took it that the report would not be made public.

102. It was so decided.

5. Any other business² (GOV/INF/2009/11)

103. Mr MONDOLONI (France), expressing appreciation for the report entitled “Strengthening Agency support to Member States considering or launching nuclear power programmes” and contained in document GOV/INF/2009/11, said that France stood ready to help all countries that wished to launch a nuclear power programme and were abiding by their non-proliferation commitments. With almost 40 years of relevant experience, his country was well placed to contribute to the development of safe, secure and environmentally benign nuclear power programmes anywhere in the world.

104. Together with the Agency, France was organizing an international conference on the subject of access to nuclear power, to be held in Paris on 8 and 9 March 2010 under the aegis of the President of the Republic. The conference was intended for senior political representatives of States that had expressed interest in the development of nuclear power programmes and for the heads of relevant international organizations; it would also be open to representatives of nuclear sector enterprises. It would cover subjects such as: defining a long-term energy mix; establishing a legal framework and infrastructures for the responsible and sustainable utilization of nuclear energy; cooperating with newcomer States; and financing, training and research.

105. France attached great importance to the role of the Secretariat in assisting Member States wishing to embark on a nuclear power programme with the establishment of the necessary infrastructures. It would continue to support the Secretariat's efforts in playing that role, and it believed that the technical, legal and financial aspects of different nuclear power options could well be examined during the discussions on the Agency's Medium Term Strategy 2012–2017.

² A statement submitted for the record by the United States of America is attached as an annex.

106. The CHAIRMAN proposed that the Board establish an open-ended working group, under the chairmanship of Ambassador Feruță of Romania, to start preparing the Agency's Medium Term Strategy 2012–2017.

107. It was so decided.

– Tributes

108. The CHAIRMAN recalled that many members had made statements in appreciation of the outgoing Director General and of welcome for the incoming Director General at the Board meeting and General Conference in September. On behalf of the members of the Board, he extended heartfelt appreciation to Mr ElBaradei for his work over the preceding 12 years and best wishes to him and his family for the future. In addition, on behalf of the Board, he welcomed Mr Amano and wished him success during his tenure.

109. Mr LUNDBORG (Sweden)*, speaking on behalf of the European Union, thanked Mr ElBaradei for his stewardship of the Agency over the preceding 12 years. Those years had at times been exceptionally challenging and dramatic, and the Agency had been well served by having at its helm a person who had been courageous and employed considerable diplomatic skill. He had tackled challenges with ingenuity and vision and had been an untiring advocate of the need to fight poverty, assist the development of all nations, build international peace and security, and treat all people with dignity. He had also been a strong and compassionate champion of effective multilateralism and international cooperation.

110. Building on the work of his predecessors, he had placed the Agency where it belonged: as a key international player, well known and respected all over the world. The Director General had said that the Agency's credibility was its independence. His credibility had been his strong integrity and his commitment to the Agency and its motto, Atoms for Peace. The awarding of the Nobel Peace Prize in 2005 had been just recognition of his considerable achievements and those of the Agency.

111. Mr ElBaradei left a strong legacy to build upon and the European Union would continue to give the Agency all the support it needed to remain an effective and credible partner in creating a safer and more humane world.

112. Mr POTTS (Australia), speaking on behalf of the South East Asia and the Pacific Group, expressed recognition for the substantial contribution made by Mr ElBaradei to the Agency's work over the preceding 12 years. His contribution to the peaceful uses of nuclear energy and the maintenance of international peace and security would be long lasting and long remembered.

113. Heading an international organization was fraught with political, economic and cultural challenges, but Mr ElBaradei had guided the Agency in a principled, credible and sure-footed manner. Under his leadership, the Agency's public profile had become more prominent, especially when he and the Agency had been awarded the Nobel Peace Prize in 2005.

114. The Group thanked Mr ElBaradei for his services and wished him and his family well in the future. It also extended a warm welcome to Mr Amano as the new Director General, offering him its support and cooperation.

115. Mr SHIM Yoon-Joe (Republic of Korea), speaking on behalf of the Far East Group, said that Director General ElBaradei had succeeded not only in highlighting the Agency's role in combating the

increasing threat of the proliferation of nuclear weapons, but also in promoting the peaceful, safe and secure uses of nuclear energy.

116. During his tenure, Mr ElBaradei had seized the initiative on a wide range of global issues from energy security and global warming to poverty eradication and sustainable development, while strengthening the Agency's role and technical capabilities in countering nuclear proliferation and terrorism. He had laid firm groundwork for an Agency better equipped to respond to future demands with its unique set of resources.

117. The Group extended its wholehearted appreciation to him for his service and wished him every success in his future endeavours. They also extended a warm welcome to Mr Amano, who would receive their full support and cooperation.

118. Ms CONTRERAS DE ECKER (Argentina), speaking on behalf of the Group of 77 and China, said that the end of 12 years of fruitful work by the outgoing Director General at the helm of the Agency was a moment of sadness. The Group of 77 and China had greatly appreciated his devotion to duty and his readiness to face the numerous issues that had arisen during his tenure. It wished him good health and great happiness in the future.

119. The Group of 77 and China looked forward to the assumption by the incoming Director General of his duties and to cooperating closely with him.

120. Mr WOOD (Canada), supported by Mr DAVIES (United States of America), commended the outstanding sustained efforts of the outgoing Director General, who had served the Member States of the Agency extremely well. The award of the Nobel Peace Prize to the outgoing Director General had been a just tribute to his efforts.

121. The North America Group wished the outgoing Director General every success in his future endeavours. The Group was looking forward to working with the incoming Director General, who could be assured of its fullest support.

122. Mr VALLIM GUERREIRO (Brazil), speaking on behalf of GRULAC, expressed gratitude to the outgoing Director General for pursuing lofty goals with impartiality, courage and emotional involvement. The outgoing Director General had a good friend in GRULAC, by which he would be greatly missed and which wished him and his family all the best for the future.

123. At the same time, GRULAC looked forward to working closely with the incoming Director General. It was confident that he would do an excellent job.

124. Mr FAWZY (Egypt), speaking on behalf of the Vienna Chapter of NAM, expressed profound gratitude to the outgoing Director General for his many years of service to the Agency, which he had guided with a clear vision and a steady hand in a steadfast and selfless manner. The outgoing Director General's tenure had been a distinguished one, and he would be greatly missed.

125. The Vienna Chapter of NAM looked forward to the assumption by the incoming Director General of his new duties and would do all in its power to help make his tenure a successful one.

126. Speaking as a representative of Egypt, he said that his country was very proud of the outgoing Director General, a true 'son of Egypt'.

127. Ms SILVA (Angola)*, speaking on behalf of the African Group, expressed profound gratitude for the role of the outgoing Director General during the past 12 years and wished him all the best for the future.

128. Welcoming the incoming Director General, she said that he could be assured of the African Group's full cooperation.

129. Mr BÖCK (Austria)* said that his country, the host country of the Agency, had greatly appreciated the vision, diligence and objectivity of the outgoing Director General, and Federal President Heinz Fischer would, in the near future, be awarding him the Grand Decoration of Honour in Gold with Sash as a mark of Austria's appreciation.

130. The Austrian delegation wished the outgoing Director General and his family all the best for the future and welcomed the incoming Director General, who could count on its full cooperation.

131. Mr ROSELLÓ SERRA (Spain) said that the outgoing Director General had set a great example of independence and integrity under pressures of all kinds and had displayed a firm dedication to the cause of international peace and security.

132. The Government of Spain was grateful to him for his efforts to prevent the use of nuclear energy for military purposes and to ensure its peaceful use under the safest possible conditions. He had amply deserved the Nobel Peace Prize.

133. Mr ELMESALLATI (Libyan Arab Jamahiriya)*, speaking on behalf of the Arab Group, said that the present moment, with the Board bidding farewell to the outgoing Director General, was a very moving one. The outgoing Director General had left an indelible imprint on the Agency, raising its profile, ensuring its independence and making it an important instrument for bringing the benefits of the peaceful utilization of nuclear energy to the developing world.

134. The outgoing Director General and his colleagues in the Department of Safeguards had been crucial to the success of the initiative of the Libyan Arab Jamahiriya in shutting down all programmes that might have led to its building weapons of mass destruction.

135. The Arab Group stood ready to cooperate fully with the incoming Director General and wished him success in his new assignment.

136. Ms DARAMA (Turkey) said that her Government was grateful to the outgoing Director General for the guidance that it had received from him during his tenure and wished him all the best for the future.

137. Her Government and her delegation wished the incoming Director General every success. They stood ready to cooperate with him fully.

138. The DIRECTOR GENERAL said that he was extremely grateful for the kind words addressed to him.

139. He would like to leave Member States with three things to bear in mind. Firstly, international institutions were essential. Secondly, for international institutions to function as they were meant to, governments must work as one, reconciling their differences in a spirit of fairness. Thirdly, it was necessary to look at the big picture; there were still thousands of nuclear weapons in the world, and the cooperation of all States was necessary in order to make the world a safer, and more humane, place.

140. Recently, at the Sacred Convention of St Francis of Assisi, he had seen an inscription with a prayer of St Francis that he would like to share with Member State representatives: "Lord, make me an instrument of peace. Where there is hatred, let me sow love. Where there is error, let me sow truth. Where there is discord, let me sow unity. Where there is despair, let me sow hope — because it is in giving that we receive."

141. The DIRECTOR GENERAL ELECT, thanking Member State representatives for their words of welcome, said that their support would be indispensable to him in his new role. He was greatly reassured, however, by the expressions of support that he had just heard.

142. He was very grateful to the outgoing Director General for the condition in which he was handing over the Agency, which he had taken to great heights.

143. The CHAIRMAN said that Ambassador Gumbi, Resident Representative of South Africa, would be leaving Vienna soon. On behalf of the Board, he wished him all the best for the future.

The meeting rose at 5.40 p.m.

Statement submitted for the record by the United States of America to the
IAEA Board of Governors Meeting
November 26–27, 2009

Mr. Chairman,

Over the past several years, the United States has been a strong supporter of the Agency's efforts to provide guidance to Member States newly considering nuclear power. We have been heartened by the positive response to the IAEA report "Milestones in the Development of a National Infrastructure for Nuclear Power."

We believe that this document provides excellent guidance to Member States on *what* elements need to be in place for the responsible deployment of nuclear power. However, it was never designed to provide detailed guidance on *how* Member States can develop these capabilities. The Agency is developing additional guidance on how Member States might proceed, and the United States has strongly supported this effort with extrabudgetary resources.

However, the responsible development of nuclear power infrastructure is ultimately the obligation of the country that will host the nuclear power plants. States wishing to move forward need to do so in a manner that is safe and secure and that does not contribute to nuclear proliferation.

The Agency provides some support to Member States proceeding to build civil nuclear infrastructure, through the Technical Cooperation program, through INPRO, and through the infrastructure-centered programs of the Department of Nuclear Energy. However, with more than 60 Member States now expressing interest in civil nuclear power, we recognize that Agency support in this area is increasingly constrained by the availability of human and financial resources.

Fortunately, Agency efforts are greatly supplemented by other sources, such as bilateral cooperation programs, multilateral cooperation fora (such as Global Nuclear Energy Partnership working groups), and commercial consulting contracts. Nevertheless, even these resources are becoming increasingly constrained in the face of burgeoning interest in civil nuclear power.

Therefore, Mr. Chairman, the United States supports the exploration of means to strengthen Agency support to Member States considering or launching nuclear power programs. Such support makes an important contribution to the right of NPT parties under Article IV to reap the benefits of nuclear energy in compliance with their treaty obligations. Nevertheless, we recommend that any efforts designed to strengthen Agency support in this area proceed at a measured pace and within the Programme and Budget process of the Agency.

This important issue must be well understood by all Member States, and its full implications must be carefully considered:

- Special consideration should be given to ensuring that any potential expansion of activities remains within the Agency's mandate. The IAEA must be careful not to cross the line between intergovernmental agency and international consultant, which could, for example, bring about liability concerns and undermine the support of donor countries.
- Financial implications should also be carefully considered. The United States agrees with the report's statement that "in general terms, and as a measure of their commitment, the cost of new services should be borne directly by those receiving the services." We also recognize, as the report points out, that "some additional funding through the regular budget and extrabudgetary sources would be needed."

- Most of all, we believe that future work on infrastructure development will require careful coordination among all Member States to ensure that support is not duplicated, gaps are reduced, and efficiency is maximized. As we move forward together, the need for harmonization becomes ever more acute.

The United States therefore concurs with the report's summary statement that "further consideration of strengthening the Agency's services would need to take into account the relevant legal, financial and political implications."

The United States supports the expansion of civil nuclear power as a proven source of low-carbon, baseload electricity. We are committed to working with aspiring nuclear energy States and with the Agency to support the development of the robust infrastructure required to meet the highest standards of safety, security, and nonproliferation.

Thank you Mr. Chairman.