

**IAEA Board of Governors**

Record of the 1281<sup>st</sup> Meeting  
GOV/OR.1281

Implementation of the NPT safeguards agreement in the  
Syrian Arab Republic

# Board of Governors

**GOV/OR.1281**

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## Record of the 1281<sup>st</sup> Meeting

*Held at Headquarters, Vienna, on Wednesday, 15 September 2010, at 3.05 p.m.*

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<sup>1</sup> GOV/2010/50.



## 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 YAAKOB	Chairman (Malaysia)
Mr SHOOGUFAN	Afghanistan
Ms WILKINSON DE VEXINA	Argentina
Mr POTTS	Australia
Mr MURADOV	Azerbaijan
Mr VALLIM GUERREIRO	Brazil
Mr DIALLO	Burkina Faso
Mr MPAY	Cameroon
Mr BARRETT	Canada
Mr HUANG Wei	China
Ms GOICOCHEA ESTENOZ	Cuba
Mr BERNHARD	Denmark
Mr FAWZY	}
Mr SIRRY	
Mr MONDOLONI	France
Mr LÜDEKING	Germany
Mr KHULLAR	India
Mr NAKANE	Japan
Ms KIRAGU	Kenya
Mr SHIM Yoon-Joe	Korea, Republic of
Ms OSMAN	Malaysia
Mr ENKHSAIKHAN	Mongolia
Mr HAMER	Netherlands
Ms MACMILLAN	New Zealand
Mr PARVEZ	Pakistan
Ms CÁCERES ESCALANTE	Peru
Mr FERUTĂ	Romania
Mr BERDENNIKOV	Russian Federation
Mr MINTY	South Africa
Mr ROSELLÓ SERRA	Spain
Mr GREMINGER	Switzerland
Mr BAYER	Turkey
Ms MYKOLAICHUK	Ukraine
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 AMANO	Director General
Mr NACKAERTS	Deputy Director General, Department of Safeguards
Mr ANING	Secretary of the Board

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

Albania, Algeria, Angola, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, Ethiopia, Finland, Greece, Holy See, Hungary, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Israel, Italy, Jordan, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malta, Mexico, Montenegro, Morocco, Namibia, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Philippines, Portugal, Qatar, Saudi Arabia, Serbia, Singapore, Slovenia, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, United Arab Emirates, Vietnam, Yemen, 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
FMP	Fuel Manufacturing Plant
HEU	high-enriched uranium
LEU	low-enriched uranium
MNSR	Miniature Neutron Source Reactor
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
P5+1	The five permanent members of the United Nations Security Council plus Germany
PFEP	Pilot Fuel Enrichment Plant
R&D	research and development
UCF	Uranium Conversion Facility

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

## 7. Nuclear verification

### (c) **Implementation of the NPT safeguards agreement and relevant provisions of United Nations Security Council resolutions in the Islamic Republic of Iran** (continued) (GOV/2010/46)

1. Mr ELMESALLATI (Libyan Arab Jamahiriya)\* thanked the Islamic Republic of Iran for the cooperation it had provided to the Agency, as indicated in paragraph 23 of the report contained in document GOV/2010/46, which stated that the inventory of nuclear material at the UCF as declared by Iran was consistent with the Agency's results. He urged Iran to increase its cooperation in order to dispel any doubts and questions, especially regarding possible military dimensions to its nuclear programme as referred to in paragraph 38. Libya believed that dialogue and negotiation were the best way of dealing with the important issues involved.
2. His delegation attached importance to the confidentiality of information coming in to the possession of inspectors in the course of their work at the Agency. Any leak of such information was a flagrant violation of the confidentiality principle. However, his delegation was confident that convening a meeting between both parties and more consultations would help solve the matter of the designation of inspectors referred to in paragraphs 35–37 of the report.
3. Neither the language of threat nor the language of defiance was conducive to finding a solution to the Iranian nuclear issue that would satisfy all parties. Furthermore, imposing more sanctions would not succeed in coercing States to relinquish their sovereignty or their rights. In addition, the strict application of sanctions had a more direct impact on the people of the States concerned than the decision-makers and could have damaging consequences in the Middle East and throughout the world.
4. Mr AZOULAY (Israel)\* said the Director General's report described a continuing pattern of deception and defiance of all international obligations by Iran.
5. Enrichment, reprocessing and heavy water projects, either overt or covert, should not divert attention from the various outstanding issues. The extent and credibility of the information available to the Agency rendered those issues far from simply alleged studies and Iran's refusal to cooperate with the Agency regarding the military studies was a major indicator of the direction it was taking.
6. The latest Agency reports clearly demonstrated that the information provided to the Agency on the military studies was based on various sources and was credible. Iran had been engaged since 2004 in activities that included experiments in neutron generation and detection, as well as studies related to spherical detonation, exploding bridge wire detonators and simultaneous detonation of them. Those R&D efforts, combined with a study of packaging such as payload into a missile head, provided yet another indication of where the Iranian programme was headed. That behaviour was similar, and complementary, to Iran's clandestine behaviour as regards uranium enrichment.
7. Iran's brazen enrichment of uranium up to 20% while it did not possess the technology required to convert such uranium into fuel assemblies fitted the pattern of defiance and deception. Iran's ongoing construction of another enrichment facility near Qom, announced in September 2009, violated all past resolutions and was yet another milestone regarding Iran's true intentions.
8. The Board should take firm action to bring all further enrichment activities, along with construction of the Qom facility, to a halt and it should not legitimize them as new safeguarded

enrichment operations. Iran was making a mockery of the resolutions and norms of the international community. Iran's refusal to comply with Board and Security Council resolutions in relation to the IR-40 facility and all heavy water related projects also warranted an appropriate response.

9. Iran's unilateral withdrawal from implementing the modified Code 3.1 of its Subsidiary Arrangements and its refusal to ratify its additional protocol had led the Director General to conclude that Iran had not provided the necessary cooperation to permit the Agency to confirm that all nuclear material in Iran was in peaceful activities. That was a mild statement about severe realities.

10. The withdrawal by Iran of the designation of two Agency inspectors was an indication that it was trying to impede Agency investigation by blocking experienced inspectors and intimidating others.

11. In conclusion, he said that the parallel paths being taken by Iran as regards material production and weaponization studies, in non-compliance of its safeguards obligations and in disregard of all relevant resolutions, merited an adequate response from the international community.

12. Mr OTHMAN (Syrian Arab Republic)\* said that his country's support for Agency safeguards stemmed from the belief that they built confidence among States by providing assurances of States' compliance with their obligations under relevant safeguards agreements and reassuring the international community regarding non-diversion of nuclear material from peaceful uses. Thus, they contributed to strengthening of regional and global peace and stability. He stressed the Agency's role, in accordance with its Statute, as the competent authority responsible for verification of such compliance.

13. In Syria's view, there should be no contradiction between the implementation of comprehensive safeguards and the inalienable right of NPT States Party to undertake research, development and the peaceful use of nuclear technology without any impediment. He expressed regret that some paragraphs of the Director General's report and some statements by Member States had used language that failed to take account of that legal right of States under the Statute.

14. Iran had continued to provide the Agency with all the information requested and had engaged with it in full transparency. In Syria's view, Iran had met its obligations under its comprehensive safeguards agreement with the Agency. Iran had experienced an extremely high number of inspections and had cooperated in all of them. No report to date had indicated any sign of nuclear diversion in Iran and Iran had officially repeatedly confirmed itself as a State in full compliance with all provisions of the NPT.

15. Under their safeguards agreements, States were entitled to approve or disapprove or even request the de-designation of inspectors proposed by the Agency. That did not necessarily reflect on the scientific and technical qualifications of the inspector, but on his or her conduct in carrying out inspections. Thus, in Syria's view, Iran had acted within its rights and the media outcry on the issue had been unwarranted.

16. Syria called on the international community to cease its policy of double standards and pursue objectivity in its actions so as to ensure the Agency's credibility and professionalism with respect to that sensitive issue. He pointed to the international community's failure to investigate Israel's nuclear military capabilities and to put pressure on it to accede to the NPT without delay or precondition and to submit its nuclear facilities to Agency safeguards.

17. Mr SOLTANIEH (Islamic Republic of Iran)\* expressed appreciation for the support for his country expressed by the NAM.

18. Each report on the implementation of safeguards by the Director General should be factual and balanced, and should focus on developments since the preceding report. Where there were differences in views between the inspected State and the inspector, the Director General must reflect both views in a balanced manner in order to facilitate fair judgement of the matter by the Board of Governors, Member States and the general public. The Director General should refrain from repeating information that might create misunderstanding and confusion.

19. His delegation found itself once again having to deal with allegations by certain States that had, over the preceding seven years, turned the issue of the implementation of safeguards in Iran from a purely technical process into one with political ramifications. He drew attention to the fact that, despite the most intrusive and robust inspections in the Agency's history, the Director General again confirmed that there was no evidence of diversion of nuclear material or activities to prohibited purposes in his country.

20. The wording used in paragraph 41 of the Director General's report "... the Agency continues to verify the non-diversion of declared nuclear material in Iran..." was unusual. All that was needed, and as his delegation had requested, would have been wording along the lines of that used in the Safeguards Implementation Report stating that the Agency had already verified the non-diversion of declared nuclear material and that all declared nuclear material was accounted for and remained in peaceful activities. The Director General had not acceded to that request.

21. The report went into unnecessarily extensive detail about the ongoing regular technical activities of Iran's peaceful nuclear programme, thereby contravening the right to protection of sensitive proprietary information. He wondered why the Director General had not, by the same token, provided Member States with similar technical information on the enrichment facilities of other countries, such as the nuclear-weapon States or other parties to the NPT, including Japan, which had vast enrichment activities, presumably including laser and centrifuge techniques. The fact that Japan had large stockpiles of plutonium, LEU and HEU, and also had free access to markets if it required fuel for its nuclear reactors was a matter of serious concern. He requested the Director General to report on the exact quantity and location of such stockpiles posing a high proliferation risk, as well as on the details of safeguards implementation in Japan at the next meeting of the Board. Thorough technical explanation and justification by Japan of its enrichment and plutonium separation activities would surely allay security concerns both on the Korean Peninsula and around the world.

22. The report's claim, in paragraph 41, that Iran had not provided the necessary cooperation to permit the Agency to confirm that all nuclear material in Iran was in peaceful activities was incorrect and misleading. It was clear from the extensive technical details about inspections of Iran's nuclear activities that the Agency had enjoyed full access to all its nuclear material and facilities.

23. The Director General should differentiate in his report between obligations under Iran's NPT safeguards agreement and requests related to the additional protocol. The additional protocol was a voluntary instrument and not a legally-binding one. Additional requests that went beyond the provisions of the comprehensive safeguards agreement (document INFCIRC/214) under the pretext of Security Council resolutions put the Agency's credibility in jeopardy. The issue of Iran's peaceful nuclear programme had been unlawfully conveyed to the Security Council by a few members of the Board. The Security Council had, in turn, adopted politically-motivated, illegal and unjust resolutions against his country.

24. Another unprecedented aspect of the Director General's latest report was that it quoted parts of the text of Security Council resolution 1929 (2010). It was not appropriate for an autonomous specialized agency to enter into the political game of certain countries and to deviate from its Statute.



The Islamic Republic of Iran and the majority of Agency Member States would not permit the Security Council to dictate to the Agency and its Director General.

25. With regard to the so-called alleged studies, he reminded members that, in accordance with the modalities for resolving outstanding issues set out in document INFCIRC/711, they were not an outstanding issue. The latest report failed to mention, as the previous Director General had declared, that the information regarding the alleged studies lacked authenticity and that no nuclear material had been used and no components made in connection with them. The notion of possible military dimensions was also entirely out of step with the modalities set out in INFCIRC/711. Indeed, the Director General appeared to be entirely ignorant of the work plan contained in that document, which had been negotiated and agreed to by the Secretariat and endorsed by the Board of Governors. He regretted that a sincere initiative of the former Director General was thus being undermined. In that connection, he recalled that several allegations regarding military sites made by the United States of America over the preceding seven years had been proved baseless by the Secretariat after intensive and lengthy verification efforts. Continued baseless allegations would prompt his country to pursue legal action for compensation.

26. With respect to the leak of confidential information related to verification activities in Iran to the press, and the subsequent thorough investigation, he noted that, in his introductory statement, the Director General had indicated that the investigation had not resulted in the identification of a source of the leaks and had not provided any evidence that information had been leaked by officials working in the Secretariat. His delegation could not accept that statement and called for a renewed investigation and for the Agency to take legal action against the press agency involved.

27. He expressed concern that, despite the fact that reports by the Director General on safeguards implementation could be made public only if the Board so authorized, the report under discussion was publicly accessible via the website of the Institute for Science and International Security (ISIS).

28. He recalled that in resolution GC(53)/RES/14 the General Conference had expressed concern regarding the lack of a mechanism for the protection of confidentiality. The Director General should therefore take serious practical measures, including the establishment of a confidentiality board, whose membership would be based on equitable geographical representation, charged with submitting progress reports.

29. He expressed surprise that the Director General had again reopened in paragraph 37 of his report a previously resolved issue, namely the matter of Iran's withdrawal of the designation of 38 inspectors dating back four years. At the same time, the Director General had ignored subsequent developments, including Iran's acceptance of additional substitute inspectors in response to a request from the previous Director General. It was inappropriate to reopen an issue that had been resolved at the time to the satisfaction of both parties, especially as Iran's safeguards agreement entitled it to object to the designation of Agency inspectors and did not require it to justify such objections. From the list of more than 150 Agency inspectors that Iran had accepted as designated inspectors, typically around 10 conducted inspections. Therefore, despite Iran's objections to certain inspectors, it should not be difficult for the Secretariat to assign others to conduct inspections. The excuse that others lacked experience destroyed Member States' confidence in the Agency.

30. The Agency had a statutory function to facilitate technical cooperation among Member States and that was relevant to the situation of the Tehran Research Reactor, which had become operational in 1967 and whose initial fuel had been supplied by the United States of America. After the United States of America stopped its fuel supply contracts in the late 1970s, Iran had managed in 1987, with Agency assistance, to reach an agreement on supply of fuel from Argentina (document GOV/2363). That fuel, which was required to produce isotopes and radiopharmaceuticals for use throughout the

country, had now almost run out and, until the Arak Research Reactor became operational, it was vital that the Tehran Research Reactor continue operation. For the past year, Iran had been seeking the Agency's assistance on arrangements for the supply of fuel, but without result. Iran continued to be ready to engage in fuel swap talks based on the 2010 Tehran Declaration that had followed the joint summit of Iran, Brazil and Turkey, but had received no response from the Agency or the Vienna Group, despite the large number of patients in need of assistance and the high priority attached by the current Director General to cancer treatment.

31. Responding to comments made by other delegations, he regretted that France, Germany and the United Kingdom, which had declared their intent to play an intermediary role to defuse tension on the Iranian nuclear issue, had instead created confrontation and continual political dispute, even after Iran's extraordinary cooperation measures, including voluntary implementation of an additional protocol and the suspension of enrichment activities. That group of States had even involved the Security Council in a technical issue that rightly belonged within the purview of the Agency.

32. With regard to the statement on behalf of the European Union, he stressed that, based on the principles enshrined in its constitution, the Islamic Republic of Iran considered the notion of a dual-track policy, based on a mix of sanctions and negotiations, to be uncivilized and unacceptable. Iran would respond negatively to confrontational approaches, but would welcome friendly and cooperative appeals, as it had on several occasions when the previous Director General had taken such an approach.

33. He noted that the Director General had stated in a recent press conference that he stood 100% behind his inspectors. He should rather have said that he stood 100% behind his inspectors, provided they performed their mandate professionally and in accordance with the Staff Regulations.

34. No one could truly believe that Iran would surrender to pressure and deprive its people of the peaceful uses of nuclear energy, including enrichment activities. The credibility of the Security Council was being jeopardized on account of resolutions that lacked a legal basis and could not be implemented. A stalemate had been reached and a face-saving solution was being sought. Iran could acquiesce, provided the countries concerned refrained from further confrontation and accepted the reality that Iran was an advanced, responsible State which had mastered enrichment technology and was opposed to nuclear apartheid.

35. Finally, in reference to the statement by Israel, he said that it could not but reflect well on Iran to be criticized by such a State.

36. Mr NAKANE (Japan), exercising his right to reply to the representative of the Islamic Republic of Iran, recalled that the Safeguards Implementation Report for 2009 (GOV/2010/25), submitted to and noted by the Board of Governors in June 2010, had concluded that there was no indication of the diversion of declared nuclear material from peaceful nuclear activities and no indication of undeclared nuclear material or activities in Japan, and that all nuclear material therefore remained in peaceful uses.

37. He further recalled that Japan had been the first country with large-scale nuclear activities to conclude and implement an additional protocol and that, in the interests of further transparency, it also reported on its quantities of plutonium, based on the Guidelines for the Management of Plutonium (INFCIRC/549), every year. Japan's immaculate record of nuclear activities in terms of safeguards was the source of the deep international confidence placed in Japan, thanks to which its advanced nuclear activities had been made possible. Japan had steadily implemented the revised Code 3.1 of the Subsidiary Arrangements. No concern had been raised by the Agency about Japan's cooperation in implementing safeguards.

38. He questioned the persistent references to Japan's nuclear activities by the representative of the Islamic Republic of Iran and encouraged that country to concentrate its efforts instead on the implementation of relevant Agency and Security Council resolutions.

39. The DIRECTOR GENERAL, responding to points raised by the representative of the Islamic Republic of Iran and others, said that, on the issue of the unusual language used in his report with regard to safeguards obligations, many formulations had been used in past reports regarding the correctness and completeness of Iran's declarations. There was no standard formulation. The existence of the various formulations reflected the evolving nature of the Iranian nuclear issue.

40. The Board had confirmed on numerous occasions that paragraph 2 of INFCIRC/153 (Corrected), which corresponded to Article 2 of Iran's safeguards agreement, authorized and required the Agency to seek to verify both the non-diversion of nuclear material from declared activities (namely, correctness) and the absence of undeclared nuclear activities in the State (namely, completeness). Paragraph 36 of the Safeguards Implementation Report contained in document GOV/2010/25 stated: "For 2009, while the Agency was able to conclude for Iran that all declared nuclear material remained in peaceful activities, verification of the correctness and completeness of Iran's declarations remained ongoing." That statement, referring as it did to both correctness and completeness, was not incompatible with the language used in the Director General's latest report to the Board of Governors concerning Iran, paragraph 41 of which reflected the past and current implementation by Iran of its safeguards agreement and other obligations in terms of both correctness and completeness.

41. The Iranian nuclear issue was a special case. For its part, Iran needed to allay the Agency's concerns about the possibility of undeclared nuclear material in the country and, accordingly, whether all nuclear material was in peaceful activities.

42. In response to the statement that the Agency had full access to all nuclear material and facilities in the Islamic Republic of Iran, he said that, while the Agency was provided with access to declared nuclear material and facilities, Iran had not provided the cooperation necessary to permit the Agency to confirm that all nuclear material was in peaceful activities.

43. As to Iran's claim that it had provided the necessary cooperation, and that the Agency's claim to the contrary was incorrect and misleading, he referred to paragraphs 42 and 44 of his latest report. Confidence in the peaceful nature of Iran's activities had been reduced because: the existence of the Fordow Fuel Enrichment Plant had been made known to the Agency only when the facility was already at an advanced stage of construction; Iran had not cooperated in clarifying issues which gave rise to concerns about possible military dimensions to its nuclear programme; and, Iran had made numerous announcements regarding new enrichment facilities being built or planned for which it had not provided any preliminary design information. It was therefore impossible for the Agency to say that all Iran's nuclear facilities were being used for peaceful activities.

44. Regarding the assertion that his latest report on Iran was too detailed and contravened the protection of sensitive proprietary information, he noted that he had been mandated by the Board and the Security Council to report fully on Iran's uranium enrichment related activities, as well as activities related to reprocessing and heavy water. Additionally, the Agency had been specifically requested by the Security Council to report on whether Iran had established a full and sustained suspension of such activities, as well as on the process of Iranian compliance with all the steps required by the Board and with the provisions of relevant Security Council resolutions. Also, it should be noted that, for several years, reports to the Board had contained the same level of detailed information.

45. He took note of Iran's claims that the Security Council resolutions in question were illegal and unjustified, but pointed out that it was his duty to report on Iran's implementation of those resolutions and its safeguards agreement. He had considered it important to summarize the provisions of Security Council resolution 1929 (2010) relating to safeguards at the beginning of his latest report to the Board in order to set the context for what followed, as had been done in previous reports.

46. Concerning the Agency's independence, he affirmed that every report underwent a thorough drafting process involving in-depth cross-checking; the language was carefully chosen and meticulously reviewed. The report was factually correct and legally and technically objective.

47. In response to the comment that the alleged studies lacked authenticity, he said that the Agency's concerns did not stem from a single document but from an impartial assessment of all information by an integrated team of experts. The information available to the Agency was extensive and had been collected from a variety of sources over time. Its broad consistency and credibility in terms of technical and other details had given rise to concern.

48. His latest report did not state that no nuclear material had been used, or that no components had been made in connection with possible military dimensions because Iran had declined to discuss the outstanding issues with the Agency since August 2008. Consequently, the Secretariat did not have the information to confirm whether nuclear material was involved or whether any components had been made. Only when Iran substantively and proactively engaged on those matters would the Agency be able to resolve them. He would continue to report on possible military dimensions to Iran's nuclear programme because of its relevance to whether all nuclear material and activities in Iran were for peaceful activities.

49. Regarding the balance of the latest report, he stressed that the benchmark used was Iran's full implementation of its safeguards agreement and of relevant Security Council and other resolutions. The report therefore focused on those of Iran's activities that deviated from the benchmark of full implementation.

50. He recognized the vital importance for the Agency of all staff members fulfilling their obligations to protect confidential information and exercise discretion in all matters of official Agency business, even after leaving the Agency. In that regard, the confidentiality undertaking that staff members were required to sign on separation from the Agency had been amended to reflect more closely staff members' continued obligations to protect confidential information. A review was under way of the current public information and outreach policy and related Staff Rules regarding interaction between staff and external contacts, including the media. Work was continuing on a progress report on the Agency's information security regime with a view to the submission of a report to the Board in the near future. In addition, he had written personally to all departing Deputy Directors General underlining their continuous obligation to maintain the confidentiality of information that had come to their knowledge by virtue of their high positions within the Agency. He stressed that the issue of confidentiality was complex and would take time to address.

51. He condemned the leaking of confidential information, from whatever source. Staff had been reminded of their responsibilities in that respect and of the disciplinary measures that would follow if confidential information was leaked to the media or any other party. However, there was no indication or evidence implicating the two inspectors recently de-designated by Iran in the leaking of information.

52. While Iran was entitled to object to the designation of inspectors, that right was not unlimited. Paragraph 9 of document INFCIRC/153 clearly stated: "The repeated refusal of a State to accept the designation of Agency inspectors which would impede the inspections conducted under the Agreement would be considered by the Board upon referral by the Director General with a view to

appropriate action.” The issue at hand was not the number of inspectors but their country-specific experience. When experienced inspectors were de-designated, it could disrupt the smooth running of the entire inspection team dedicated to Iran. Although inspections could still take place, the loss of experienced inspectors detracted from overall capability, until new inspectors could acquire similar experience of the country. A recurrent need to rebuild appropriate levels of experience was also inefficient. He had raised the issue at the current juncture in order to avoid a situation whereby Iran’s repeated refusal to accept inspector designations did impede inspections and the matter would have to be referred to the Board.

53. While he welcomed and was ready to engage in dialogue on the Tehran Research Reactor, he had not mentioned the issue in his report, because it did not fall within the realm of nuclear verification. Paragraph 34 of Security Council resolution 1929 (2010) had commended the Agency’s proposal of 21 October 2009 regarding the Tehran Research Reactor and encouraged the Agency to continue exploring measures to build confidence, consistent with and in furtherance of the Security Council’s resolution. As he had mentioned in his introductory statement, he stood ready to convene a meeting to facilitate the process, subject to the agreement of all the parties concerned.

54. Mr NACKAERTS (Deputy Director General for Safeguards), responding to questions raised, said that the de-designation of Agency safeguards inspectors by the Islamic Republic of Iran posed problems not so much in terms of the overall number of inspectors, but the number of inspectors with specific experience of Iran. The Agency had 248 inspectors, of whom 157 were designated for Iran. However, all 157 had multiple designations, so could be deployed in a number of other Member States. The core team of inspectors dedicated specifically to Iran, with extended experience of the country and its nuclear facilities and issues, numbered 10. De-designation of two of them inevitably disrupted the smooth running of the team and, in addition, would detract from the Agency’s overall inspection capability until two other inspectors had acquired in-depth experience of Iran.

55. With regard to the work plan contained in document INFCIRC/711, he refuted Mr Soltanieh’s statement that the alleged studies were an obsolete issue, that weaponization issues had been dealt with and that the work plan issue had therefore been closed. Matters of relevance to Iran’s past activities were still outstanding, including the alleged studies and a number of procurement related issues with military involvement. While Iran had been requested to address the substance of the alleged studies, its 117-page response to the Agency had focused on the form and format of the studies. It had not provided the Agency with all the information or with access to documents and individuals necessary to support its assertions that the documents were baseless. Furthermore, new information had been received since the agreement of the work plan. No substantive progress in clarifying the issue had been possible since August 2008 because Iran refused to engage with the Secretariat.

56. Ms GOICOCHEA ESTENOZ (Cuba) said that the benchmark referred to by the Director General, namely full implementation by Iran of its safeguards agreement and relevant Security Council resolutions, was intrinsically linked to the refusal by a group of States to share information with Iran. She expressed regret that the issue did not feature in the Director General’s latest report, particularly in view of the fact that previous reports had referred to the difficulties that refusal had created for the Agency’s verification activities. Although the Director General and Deputy Director General had asserted that the issue could not be dealt with as no information had been received from Iran since August 2008, paragraph 17 of the Director General’s report contained in document GOV/2008/59, dated 19 November 2008, seemed to render that argument invalid.

57. Although her intention was not to jeopardize matters, she stressed the need for an objective approach. The Director General’s exclusion of the Tehran Research Reactor issue from his report contradicted the provisions of Security Council resolution 1929. She stressed that confidence could be built only by taking into account both sides of the problem. All Member States and the Secretariat

must work to change the current atmosphere of confrontation so as to ensure that the Agency's mandate could be fulfilled. The submission of an imbalanced report on the Iranian nuclear issue would not aid achievement of that objective.

58. The DIRECTOR GENERAL said that any degree of failure to implement safeguards was a serious issue. He underlined the fact that he did not act under pressure from any State in that regard, but purely from his personal commitment to non-proliferation, which stemmed in large part from the memory of the attacks on Hiroshima and Nagasaki. He recalled the undertaking he had made on assuming office to do his utmost to ensure full implementation of comprehensive safeguards and other obligations. Ensuring partial implementation was not sufficient.

59. Mr SOLTANIEH (Islamic Republic of Iran)\* recalled that, in order to resolve outstanding issues, the former Director General had taken the historic step of talking to top Iranian officials. Although Iran's parliament had passed an act stating that the country must not go beyond NPT safeguards, those talks had resulted in the agreement of the work plan (INFCIRC/711), which demonstrated Iran's political commitment to cooperating with the Agency. Did the Agency and the new Director General still consider that an admirable gesture? Should the agreement, which had been endorsed by the Board, be respected? Why had the work plan not been mentioned in the last three reports on the issue under discussion?

60. He disagreed with Mr Nackaerts' statement that the work plan had not been fully implemented. More than 100 hours of meetings had been dedicated to the alleged studies alone, and Iran had gone far beyond its obligations. The work plan stated only that, upon receipt of all related documents, Iran would review them and inform the Agency of its assessment. Iran was now paying the price for the refusal by the United States of America to provide it with the relevant information. That lack of cooperation by the United States, which should be condemned by the whole international community, had not only impeded verification, but the United States refusal to share information on the grounds that Iran could use it to make a nuclear weapon was wholly illogical in view of its allegation that the information in question had originated in Iran in the first place.

61. Iran had demonstrated great flexibility in engaging in so much discussion of the alleged studies when it was under no obligation under the work plan to do so. There had been no commensurate appreciation for the seven meetings held, or the 117-page document from Iran proving that the allegations were baseless. Only confidentiality issues had prevented Iran from distributing that document. He called on Mr Nackaerts to confirm that none of the alleged studies bore any security classification markings, so the documents in question should immediately have been rejected as lacking authenticity. The former Director General had reported his conclusion to that effect, and both the current and former Deputy Directors General for Safeguards had concluded that no nuclear material had been involved and no components had been made.

62. A certificate had been issued, signed by Agency officials, confirming that six of the seven issues covered by the work plan — excluding the alleged studies — had been concluded. Given that Iran was under no further obligation with regard to the alleged studies, it followed that the work plan had been fully implemented and that safeguards implementation in Iran should henceforth be conducted in a routine manner, as provided for in section IV.5 of the work plan. Once the Agency had fulfilled its obligations under the work plan, Iran would be ready to discuss the new issues that had arisen after the work plan had been agreed and to demonstrate that there was no military dimension to its nuclear activities.

63. He expressed surprise at the section of the Director General's report on the designation of inspectors. It had been his understanding, following a constructive private meeting with the Director General and others, that agreement had been reached on the designation of two inspectors to replace

those to which Iran had objected on the grounds of misconduct. He had thus far refrained from making public the details of that misconduct, but he would do so if the Director General agreed. The two alternative inspectors proposed had not been entirely acceptable to his Government but, in a spirit of cooperation, he had secured approval and assumed that the matter was closed. The attention being focused by the Board and the media on the issue was consequently unfair.

64. Within the framework of its obligations, Iran was determined to cooperate fully with the Agency and the Director General. It was important that the Director General discharge his duties in an impartial manner, that political pressure be avoided and that the matter be brought to an end as soon as possible.

65. Mr NACKAERTS (Deputy Director General for Safeguards) said that the 117 pages on the alleged studies provided by Iran were considered by the Secretariat to be a response in format, but not in substance. The Secretariat had thus written to Iran informing it that six of the seven items on the work plan were considered resolved and one was outstanding.

66. Ms GOICOCHEA ESTENOZ (Cuba) stressed, to avoid any misunderstanding, that she had not been questioning the Director General's commitment to the implementation of safeguards. When speaking about balance, she had simply been requesting that both sides of the story be presented in the report. Cuba would welcome a reference in the report to the joint declaration of May 2010 signed by Brazil, Turkey and Iran, which constituted an important step towards building confidence and resolving the issue.

67. She noted the information provided by Mr Nackaerts, but found it difficult to understand how only 10 of 157 inspectors had specific experience.

68. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) expressed support for Cuba's position that it was important to maintain balance.

69. The CHAIRMAN, summing up, said that several members had expressed their appreciation to the Director General for his report contained in document GOV/2010/46. Several members had commended the Director General and the Secretariat for their continuing impartial efforts related to the verification of Iran's nuclear programme.

70. Several members had expressed concern that the Director General's report clearly indicated that Iran was failing to cooperate fully with the Agency and that it continued to defy multiple Security Council resolutions. They had emphasized that Iran should take the steps required by the Board and the Security Council and fully cooperate with the Agency. They had also noted that the report was addressed in parallel to the Security Council, in line with its resolution 1929 of 9 June 2010.

71. Some members had expressed regret that the Security Council had adopted that resolution at the same time that the Board was addressing the issue of Iran's nuclear programme. They had considered that such action undermined the credibility of the Board.

72. Several members had emphasized that the Agency was the sole competent authority for nuclear verification in connection with the NPT and that the Agency should continue its work towards the resolution of the Iranian nuclear issue.

73. Several members had noted with serious concern that, according to the report, Iran had continued operation of the FEP at Natanz; installed and operated a second cascade and interconnected it with the first and continued enriching uranium up to 20%; continued operation of the heavy water production plant, refusing to provide the Agency access, and construction of the heavy water reactor at Arak; and continued construction work at the FFEP and refused to address the Agency's questions on the chronology of the decision-making regarding its construction.

74. Several other members had welcomed the continued cooperation between the Agency and Iran as elaborated in the report, and had highlighted the Agency's confirmation that: the FFEP corresponded to the design information provided by Iran; it had conducted on average one design information verification per month since October 2009; Iran had provided the Agency with access to the heavy water reactor in Arak; and no new assemblies, rods or pellets had been produced at the FMP since May 2009. They had noted that the results of the environmental samples taken at the FFEP in February did not indicate the presence of enriched uranium. They had also noted that Iran had been implementing the modified safeguards approach at the PFEP since 15 May for the verification of uranium enriched up to 20%.

75. Further, several members had noted that, according to the report, the Agency continued to be able to verify the non-diversion of declared nuclear material in Iran and had not found indications of ongoing reprocessing activities at the declared facilities in Iran. They had encouraged Iran to continue cooperating with the Agency to provide credible assurances regarding the absence of undeclared nuclear material and activities in Iran.

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

77. Several members had expressed their regret that Iran had not provided the necessary cooperation to permit the Agency to confirm that all nuclear material in the country was in peaceful activities.

78. Several members had noted with concern the possible implications of the departure from standard verification language in the Director General's report, the omission of references to important aspects related to Iran's nuclear programme, and the inclusion of extensive technical details pertaining to sensitive proprietary information in the report. Concerns about the leakage of confidential information had been raised and the importance of effective mechanisms for the protection of confidentiality emphasized.

79. Several other members had stressed the importance of the Agency's statement that, in order for it to be able to provide assurances regarding the absence of undeclared nuclear material and activities, Iran needed to resume implementation of the modified Code 3.1, implement the additional protocol and clarify the issues which raised concerns about possible military dimensions to Iran's nuclear programme.

80. Several members had expressed serious concern that Iran was the only State with significant nuclear activities which had a comprehensive safeguards agreement in force but was not implementing the provisions of the modified Code 3.1 of the Subsidiary Arrangements General Part. They had noted that Subsidiary Arrangements could not be changed unilaterally and that there was no mechanism for their suspension in Iran's safeguards agreement, and they had called on Iran to implement the modified Code 3.1.

81. Several members had expressed their concern at Iran's announcement of its intention to build 10 additional uranium enrichment plants, beginning construction of one such plant in March 2011, which constituted further provocation and defiance of the international community. They had supported the Agency's request for assurance from Iran that no new nuclear facilities existed or were being built in Iran. Several other members had encouraged Iran to provide design information regarding its nuclear facilities in accordance with its comprehensive safeguards agreement with the Agency. Several members had expressed serious concern that Iran had refused to cooperate with the Agency and give substantive answers to questions that needed to be clarified in order to exclude the possibility of



military dimensions to Iran's nuclear programme. They had noted that the information available to the Agency in connection with those issues was considered to be extensive, consistent and credible.

82. They had urged Iran to provide substantive responses to those questions and to provide the Agency with all requested information and access to the relevant documentation, locations and individuals in order to enable the Agency to clarify the nature of Iran's nuclear programme. They had shared the Agency's concerns about the possible existence in Iran of past or current undisclosed activities related to the development of a nuclear payload for a missile.

83. Several other members had recalled that previous Agency reports had indicated that the Agency had limited means to authenticate independently the documentation that formed the basis of the alleged studies and that the constraints placed by some Member States on the availability of information to Iran were making it more difficult for the Agency to conduct detailed discussions with Iran on that matter. They had cautioned against the creation of obstacles which might hinder the Agency's work in that regard. They had stressed that States which had provided the Agency with documentation related to the alleged studies should authorize the Agency to provide all related documents to Iran to assist the Agency in moving forward the verification process. A view had been expressed that the Director General's report should have addressed that issue.

84. Several members had noted with concern that, while Iran's safeguards agreement permitted it to object to the designation of Agency inspectors to Iran, the Secretariat had rejected the basis upon which Iran had sought to justify its objection to the designation of two inspectors. They had stated that Member States were not required to justify their decisions in that regard.

85. Several other members had shared the concern expressed by the Director General in his report that the repeated objection by Iran to the designation of experienced inspectors hampered the inspection process and detracted from the Agency's ability to implement safeguards in Iran and had called on Iran to withdraw its objection.

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

87. They had also reiterated their support for the establishment of a nuclear-weapon-free zone in the Middle East and had expressed the view that addressing the Iranian nuclear issue should not be seen in isolation from efforts exerted to that end. They had stated that any attack or threat of attack against peaceful nuclear facilities would pose a great danger and constitute a grave violation of international law.

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

89. In that regard, several members had referred to the joint declaration by Iran, Brazil and Turkey of 17 May 2010, believing that the agreement could serve as a significant confidence building measure which could lay the groundwork for the successful conduct and conclusion of negotiations between the P5+1 and Iran. Some members had stressed that the report by the Director General should have referred to the joint declaration. A view had been expressed that that proposal did not address the international community's broader concerns about Iran's nuclear programme.

90. Several members had noted that Iran had reaffirmed its readiness to engage in talks based on the joint declaration, and they had supported the Director General's efforts to convene a meeting of the

Vienna Group (France, the Russian Federation, the United States of America and the Agency) subject to the agreement of all the parties concerned to facilitate the process.

91. Several members had noted that the Bushehr nuclear power plant, which was subject to Agency safeguards, had been recently commissioned. That had been considered as a positive example of cooperation between Iran and the international community.

92. The Board had requested the Director General to continue keeping it informed of developments as appropriate. It had noted the responses of the Director General and the Secretariat to the comments made.

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

94. The CHAIRMAN took it that the Board agreed to the requests to make public the report of the Director General contained in document GOV/2010/46.

95. It was so decided.

**(d) Implementation of the NPT safeguards agreement in the Syrian Arab Republic  
(GOV/2010/47)**

96. The CHAIRMAN said that the report contained in document GOV/2010/47 had been the subject of a briefing by the Secretariat on 8 September 2010.

97. Mr FAWZY (Egypt), speaking on behalf of NAM, said that it was essential not to lose sight of the manner in which the issue of Syria had initially been brought to the Agency's attention. 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. NAM regretted that the Board had not expressed itself clearly in that regard.

98. The Final Declaration adopted by the Summit of Heads of State and Government of NAM held in Egypt in July 2009 had stated that 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, condemned the Israeli attack against a Syrian facility on 6 September 2007, which constituted a flagrant violation of the United Nations Charter and welcomed Syria's cooperation with the Agency in that regard.

99. NAM noted that section A of document GOV/2010/47 continued to include many references to events that had transpired prior to the preceding report and requested clarification from the Secretariat on the rationale behind issuing a report that contained no new information on the Dair Alzour site.

100. NAM also noted that Syria had maintained that the destroyed facility on the Dair Alzour site was a non-nuclear military installation and that it had provided all the information it possessed regarding the questions raised by the Agency concerning that site. NAM, further noting the Agency's request that Syria provide prompt access to all relevant information, asked for clarification from the Secretariat on that matter.

101. NAM recalled its prior requests that reports by the Director General on the Syrian issue should contain the Agency's assessment on how Israel's bombing of the Dair Alzour site, and its lack of cooperation, might affect the Agency's ability to resolve the related outstanding issues and broader aspects of the future of the Agency's safeguards regime, and on how the absence of satellite imagery of the Dair Alzour site for a period of six weeks following its destruction might be explained.

102. It was regrettable that the Director General's report did not address those prior requests, thereby falling well short of addressing the deep concerns expressed by more than two-thirds of the Agency's members. NAM therefore requested that the Director General issue an addendum to his report that fully addressed those concerns.

103. NAM welcomed Syria's resolve to continue cooperating with the Agency. During the conduct of safeguards activities, access to information, activities and locations had to be provided in accordance with the comprehensive safeguards agreement concluded between the Agency and Syria. NAM encouraged Syria and the Secretariat to continue cooperating with a view to resolving any remaining issues related to information, activities and locations that came under the provisions of Syria's comprehensive safeguards agreement. The Movement welcomed the recent development of Syria's cooperation in providing further information on the issue related to the MNSR and access to its facilities. In that regard, it welcomed the agreement reached between Syria and the Agency on a plan of action for addressing outstanding issues concerning the MNSR and looked forward to bringing those issues to closure.

104. NAM reaffirmed that a clear distinction had to be made between the legal obligations of Member States under their respective safeguards agreements and their voluntary undertakings.

105. Member States should avoid applying any undue pressure or interfering in the Agency's activities, especially in its verification process, which would jeopardize the efficiency and credibility of the Agency.

106. NAM supported the Director General's call on States, including Israel, which might possess information relevant to the Agency's verification activities, to make such information available to the Agency. In addition, it called on Israel to cooperate fully with the Agency in providing it with comprehensive information on the nature of the materials used by Israel in its attack on the Dair Alzour site.

107. Mr BAUWENS (Belgium)\*, speaking on behalf of the European Union, the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Iceland, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina and Montenegro, the EFTA countries Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, expressed concern that Syria had not cooperated with the Agency since June 2008 on the matter related to the Dair Alzour site, thus impeding the Agency in completing its assessment and determining the nature of the site. Syria had not provided the Agency with the necessary additional information and documentation concerning the site and the infrastructure and procurement activities related to the facility, nor had it allowed access to the various locations requested by the Agency or engaged in substantive discussions with the Agency with regard to those issues.

108. The European Union noted with concern that some of the necessary information concerning the Dair Alzour site was deteriorating or at risk of being lost entirely and therefore urged Syria to cooperate fully and promptly with the Agency. Furthermore, it noted Syria's reluctance to engage with the Agency on its repeated proposal to establish modalities for managed access to sensitive information and locations in order to allow the Agency's verification activities to progress, while protecting sensitive information.

109. The European Union noted that the results of the analysis of the samples taken from the MNSR in March 2010 had revealed inconsistencies and raised questions, which were being further discussed, regarding the presence of particles of anthropogenic uranium of a type not included in Syria's inventory. It also took note of the fact that information in scientific publications indicated the possible presence of additional unreported material in Syria.

110. The European Union welcomed the agreement reached between Syria and the Agency on a plan of action for resolving the outstanding questions and noted that the Agency could not draw any conclusions at that stage. The European Union requested Syria to cooperate fully in the implementation of that plan of action in order to clarify the issue soonest.

111. In conclusion, the European Union urged Syria to bring into force an additional protocol at the earliest opportunity to further facilitate the Agency's work in verifying the correctness and completeness of Syria's declarations.

112. Mr EL AMIN (Sudan)\*, speaking on behalf of the Arab Group, echoed the support for Syria expressed by the Council of the League of Arab States at its 22nd summit held in Libya in March 2010, which had condemned the serious violations committed by Israel and its continuous attacks against Arab countries, reaffirmed that the Israeli attack against a military installation under construction at Dair Alzour — where Israel used a false pretext to attack a Member State of the Agency and a State Party to the NPT — constituted a violation of the sovereignty of the Syrian Arab Republic, and called on the international community to condemn such aggression and take firm measures to prevent their recurrence.

113. The Arab Group asked Member States to exert pressure on Israel to heed the Director General's repeated calls for cooperation and provide the requested information on the nature of the materials used in its attack on the site and allow the Agency to take relevant samples.

114. The cooperation extended by Syria to the Agency in 2008 to facilitate the inspectors' visit to the military site destroyed by Israel at Dair Alzour — even though that was not required under Syria's comprehensive safeguards agreement — attested to the extent of Syria's transparency and cooperation with the Agency.

115. The Arab Group welcomed Syria's continued cooperation and response to all Agency requests related to the MNSR and appreciated the meeting between the Agency and Syria held in September 2010 to that end. It hoped that the continuation of such positive cooperation would lead to the removal of references to the MNSR from future reports, so that the issue could once again be addressed as a routine matter under Syria's comprehensive safeguards agreement.

116. He emphasized the importance of the Secretariat abiding by the agreements signed with States and not requiring them to take any measures that did not fall within their obligations under those agreements. A distinction also had to be made between legal obligations and voluntary undertakings by States, which included the signing of an additional protocol.

117. Mr BAYER (Turkey) encouraged Syria to continue cooperating with the Secretariat to resolve the outstanding questions. He expressed appreciation for the Agency's efforts to make progress to that end. In that connection, he took note of the statement in the Director General's report that the information yet to be provided by Israel might be helpful in clarifying the matter.

118. His delegation noted the Secretariat's willingness to engage with Syria to determine the necessary modalities for managed access to information and locations, while protecting military and other information considered by Syria as sensitive, and it encouraged discussions between the Agency and Syria on those issues.

119. Turkey welcomed the continued dialogue between Syria and the Agency to clarify the origin of the anthropogenic natural uranium particles, of a type not included in Syria's reported inventory, found at the MNSR. It also noted with satisfaction that, during the discussions between the Agency and Syrian officials on 3 September 2010 in Vienna, an agreement had been reached on a plan of action for resolving the issues related to the MNSR. He expressed the hope that implementation of the plan of action would lead to closure of the matter.

120. Turkey attached great importance to the effectiveness of the Agency's safeguards system and appreciated the meticulous manner in which the Secretariat conducted its verification activities. It was vital that constructive cooperation be maintained between the Agency and all parties involved so that the Agency could conduct its verification activities without complications.

121. Mr GREMINGER (Switzerland) noted that, while no progress had been made in cooperation with Syria concerning matters related to the Dair Alzour site, cooperation as regards the MNSR had improved.

122. The 2010 NPT Review Conference had adopted practical steps, including the convening of a conference in 2012, to facilitate the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference. Any positive development in the Syrian issue would contribute favourably to achieving those practical steps and to the conference planned for 2012.

123. Switzerland encouraged all the parties concerned to make every effort to move the matter forward in a positive manner. Firstly, Syria needed to respond promptly to the Agency's repeated requests for cooperation on the remaining issues related to the Dair Alzour site and to continue its cooperation regarding the MNSR. Syria should also apply — even if only provisionally — the measures provided for under the additional protocol, thus allowing the Agency to confirm the correctness and completeness of its declarations. Secondly, Israel needed to provide all outstanding information to the Agency. Finally, other key players should work to find solutions to all the security problems in the Middle East.

124. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) said that it was Syria which had been the victim of military aggression on its territory by Israel in September 2007 and Israel which had flagrantly violated the sovereignty of another State, transgressing the basic provisions of the United Nations Charter, and not the other way around.

125. It was regrettable that, owing to the complicit attitude of some States, the Board had not condemned that attack, which had been simply a continuation of Israel's bellicose policies towards the States of the Middle East. In light of that, it was Venezuela's view that the approach taken in the reports on the subject, beginning with the first one issued in 2008, had been unbalanced in every respect. Venezuela believed that Israel was the one under obligation to answer all the questions raised concerning the possibility that the particles of anthropogenic natural uranium found at Dair Alzour had originated from the missiles used in the attack.

126. The act of aggression by Israel had undermined the Agency's authority, had hampered the Agency in discharging its responsibilities under Syria's safeguards agreement and represented a step backwards with respect to much needed confidence-building measures. Venezuela therefore considered it absurd and outrageous that a State which had been subjected to military attack in the past should now, on the basis of that aggression, be subjected to inspection.

127. The report offered no new relevant information owing to Israel's lack of cooperation. His delegation hoped that the Secretariat would furnish such information in future reports. Syria, however, had cooperated voluntarily on the matter in question and the requests reflected in the report represented unjustifiable demands for Syria to go beyond its legal obligations under its safeguards agreement.

128. As regards activities at the MNSR site, Venezuela welcomed the ongoing exchange of information between Syria and the Agency as well as the agreement reached on the action plan for resolving the relevant questions.

129. Mr BERDENNIKOV (Russian Federation) said that the Director General should continue his efforts to verify nuclear activities in Syria and called on Syria to provide the appropriate level of cooperation with the Agency.

130. Russia welcomed the agreement reached between Syria and the Agency on an action plan to resolve the Agency's questions and for addressing the Agency's request for access to the plant at Homs. He expressed the hope that the plan would be successful. Russia took note from the report that the Director General considered that such access was essential to enable the Agency to establish the facts and make progress in its verification, while protecting military and other information which Syria considered to be sensitive.

131. The issue needed to be resolved at the earliest possible date in view of the Director General's concern that with time some of the necessary information might deteriorate or be lost entirely.

132. Russia hoped also that Israel would provide the Agency with information which the Director General's report considered useful to clarify the origin of the anthropogenic particles of uranium found at the Dair Alzour site.

133. Russia joined the Director General in calling on Syria to bring into force an additional protocol to its safeguards agreement, a key element as regards the verification of States' fulfilment of their non-proliferation obligations.

134. Mr DAVIES (United States of America), having welcomed the Director General's latest report, commended the Secretariat for its ongoing professional pursuit of the technical investigation in Syria. That effort that had been hindered for too long by Syria's unwillingness to allow the Agency to conduct its mandated verification role.

135. The current and the previous seven reports presented indications that Syria, with assistance from the DPRK, had been developing a clandestine nuclear programme with no evident civilian purpose, the centrepiece of which had been a reactor suited for plutonium production and little else. The international community did not yet know the full scope of Syria's clandestine nuclear activities.

136. He expressed concern that information related to Syria's secret nuclear activities was deteriorating or had been lost entirely on account of Syria's refusal to cooperate.

137. The longer the Syrian issue remained before the Board, the more damaging it was to the credibility of the safeguards regime, and the Board should not accept that situation. Verifying correctness and completeness had long been recognized by the Board as an essential part of the Agency's safeguards responsibilities, and the recent NPT Review Conference had reaffirmed that point. The loss of crucial information needed to determine the completeness and correctness of Syria's declaration of nuclear material and facilities was not a *fait accompli* unless it was accepted as such.

138. In his report, the Director General stated that "it is critical that Syria positively engage with the Agency ... without further delay". It was essential that Syria provide access to all requested sites, information, personnel, and material so the Secretariat could make progress in its efforts to verify that all nuclear material and activities in Syria were exclusively for peaceful purposes. Unless Syria took clear action to cooperate fully with the Agency, the situation was approaching a juncture where the Board and the Secretariat must consider all available measures and authorities to pursue the verification assurances sought by the international community. The Board had authorities under the Statute and under Syria's comprehensive safeguards agreement to address a situation in which the Agency was unable to verify compliance with safeguards, taking into account the degree of assurance provided by the safeguards measures that had been applied and affording Syria every reasonable opportunity to furnish the Board with any necessary reassurance. The United States strongly supported

the Secretariat's use of all the tools at its disposal to verify Syria's compliance with its safeguards obligations.

139. The United States looked forward to further Agency reporting on the samples taken during the physical inventory verification inspection at the MNSR on 31 March. It regretted that those samples had not resolved the Agency's inquiry into the origins of traces of undeclared nuclear material detected at the site. Syria must provide, without further delay, full and complete accounting of all previously undeclared activities conducted at that declared nuclear facility, as well as at the Homs plant, where yellowcake had been produced and stored.

140. The United States took note of the plan of action agreed between the Agency and Syria for resolving the issues at the MNSR and urged Syria to cooperate fully with that plan. He pointed out that the plan covered only the MNSR and did not address the stalemate situation at Dair Alzour caused by Syria. Thus, it did not address the central issue of concern.

141. Although Syria's comprehensive safeguards agreement provided a clear basis for seeking to resolve the many outstanding questions related to undeclared nuclear activities, materials, and facilities, the Agency would not be in a position to provide assurances about the absence of undeclared nuclear activities in Syria until it brought into force an additional protocol, and the United States again called on Syria to do so without delay.

142. The existence of clandestine nuclear facilities, seemingly intended for non-peaceful purposes, and the growing threat to the credibility of the safeguards regime were matters of concern to the entire international community. Therefore, in the spirit of transparency, the Board should make public the report under discussion.

143. The United States looked forward to the Secretariat's next progress report before the December meeting of the Board of Governors and once again called on Syria to provide whatever access and information the Agency deemed necessary to resolve all outstanding questions without further delay.

144. Against the backdrop of the NAM's oft repeated cautions concerning the risks of politicization of the Agency's work, he expressed disappointment at NAM's request for an addendum to the report, which sought to shift the focus away from the substantiated safeguards questions surrounding Syria's nuclear programme. That was especially true in light of the fact that at the technical briefing for Member States, held on 8 September, the Secretariat had expanded on the technical assessments contained in the Director General's report. The presentation had included a satellite image taken 11 days after the destruction of the facility, and so within the time period in which NAM continued to assert there had been no such imagery. Furthermore, the Deputy Director General for Safeguards had informed the Board in June that the Secretariat had acquired a commercial image taken within the six-week period in question. Cautioning against the politicization of the ongoing safeguards investigation in Syria, he appealed to the NAM States, which the United States understood shared a concern for the integrity of a strong safeguards regime, to set aside its request to the Secretariat.

145. Mr NAKANE (Japan) expressed concern that Syria had not cooperated with the Agency since June 2008 in connection with the unresolved issues related to the Dair Alzour site and the three other locations allegedly functionally related to it and that, as a consequence, the Agency had not been able to make progress towards resolving those issues since the previous report to the Board of Governors. Syria should cooperate fully with the Agency and respond to its requests. At the same time, Japan hoped that other countries concerned would provide, in a prompt manner, relevant information which the Agency had requested.

146. Regarding the MNSR, Japan welcomed as a positive step the agreement reached at a meeting in Vienna on 3 September on a plan of action for resolving the Agency's questions and for addressing the

Agency's request for access to the plant at Homs. It was to be hoped that consultations between Syria and the Agency would continue and that implementation of the action plan would lead to clarification of the issues.

147. Japan called on Syria to provide the cooperation requested by the Agency regarding the Dair Alzour site without delay in order to solve the problems in the application of Syria's safeguards agreement and to dispel the concerns of the international community, including those regarding nuclear cooperation between Syria and the DPRK. In that regard, the Syrian delegation's reaffirmation at the technical briefing on 8th September of Syria's willingness to cooperate fully with the Agency was encouraging.

148. Finally, Japan called on Syria to sign, ratify and implement an additional protocol in order to facilitate the Agency's work in verifying the correctness and completeness of its declarations.

149. Mr BARRETT (Canada) expressed deep concern about revelations regarding the Dair Alzour site that pointed to possible undeclared nuclear activities in Syria and to nuclear cooperation between Syria and the DPRK. Such concerns were reinforced by the Agency's findings to date and by Syria's ongoing lack of cooperation. An undeclared nuclear reactor of the kind that appeared to have existed at the Dair Alzour site represented a very serious proliferation threat and a blatant breach of Syria's safeguards obligations.

150. The report stated that the presence of anthropogenic natural uranium particles of a type not included in Syria's declared inventory of nuclear material gave rise to questions about the completeness and correctness of Syria's declarations which the Agency was obliged to pursue. It was critical that Syria cooperate fully without further delay and provide the Agency with all requested information and access in order to enable the Agency to complete its assessment.

151. With respect to the MNSR site, Canada noted that agreement had been reached on a plan of action for resolving the Agency's questions and for addressing its request for access to the plant at Homs. Canada looked forward to timely implementation and completion of that action plan and hoped that those activities would answer questions about the origin of the anthropogenic particles found at the MNSR and confirm that appropriate safeguards and reporting actions were currently in place at that facility.

152. Canada strongly supported the Director General's efforts to further investigate the outstanding issues highlighted in his latest report, encouraged the Agency to use all the available tools at its disposal and fully supported the Director General's call for Syria to bring into force an additional protocol as soon as possible.

153. Canada urged all Member States to support the investigation to the fullest extent and requested that the Director General continue to report on the results of the Agency's investigation. The issue must remain on the agenda of the Board of Governors until confidence in the exclusively peaceful nature of Syria's nuclear programme had been fully restored.

154. Given the ongoing and broad interest in the issue and the important principle of transparency, Canada requested that the report contained in document GOV/2010/47 be made public.

155. Mr POTTS (Australia) said that, while Syria had maintained that the destroyed building at Dair Alzour had been a non-nuclear military installation, the information and access Syria had provided so far had not allowed the Agency to confirm those statements. Australia noted the Agency's assessment that the presence of anthropogenic uranium particles at Dair Alzour pointed to the possibility of nuclear related activities at the site.



156. Among the unresolved issues concerning Dair Alzour was Syria's procurement of large quantities of barite. Syria had told the Agency initially that that material had been for shielding radiotherapy rooms. It had since come to light that the end-use information had cited a completely different use, as filter packing for purifying sulphuric acid. Syria needed to provide the Agency with the information required to resolve that inconsistency and confirm its statements about the nature of the destroyed building.

157. Syria had not cooperated with the Agency since June 2008 in relation to the Dair Alzour site and the three other locations allegedly functionally related to it. Australia was deeply concerned by the Director General's assessment that the Agency's investigations into the unresolved issues related to the Dair Alzour site had been constrained by Syria's lack of cooperation. That was compounded by the fact that, with the passage of time, some of the necessary information was deteriorating or had been lost entirely.

158. Australia strongly supported the Agency's request for Syria to increase its cooperation and provide prompt access to all relevant information and locations as requested by the Agency.

159. Further questions were raised by the discovery of further anthropogenic uranium particles at the MNSR in Damascus. Australia noted the Agency's concerns regarding the past use of nuclear material in experiments at the MNSR and the possible presence of additional unreported nuclear material in Syria.

160. Australia welcomed the action plan agreed between the Agency and Syria to resolve the outstanding questions and inconsistencies raised by the March inspection at the MNSR.

161. He called on Syria to cooperate expeditiously and fully with the Agency's continuing investigations into the nature and purpose of the activities conducted at the MNSR, including any possible links with the Homs phosphoric acid purification plant. Access to Homs was crucial in order to determine the extent of any uranium processing activities and nuclear material.

162. To reassure the international community that its nuclear activities were exclusively peaceful, it was imperative that Syria cooperate fully and provide the transparency necessary for the Agency to complete its assessment.

163. Australia joined the Director General in urging Syria to engage with the Agency on those outstanding issues and bring into force an additional protocol.

164. Australia commended the Secretariat for its persistence in pursuing safeguards implementation and outstanding issues in Syria and believed it was important for all Member States to support the Secretariat unequivocally in that important verification task. Australia encouraged any States possessing relevant information to make such information available to the Agency as appropriate.

165. Australia supported the public release of the Director General's report on Syria.

166. Mr SIRRY (Egypt) urged Syria and the Agency to work together towards the early resolution of any safeguards issues that fell within the scope of Syria's legal obligations.

167. The latest report continued to make a distinction between issues relating to Dair Alzour and those relating to the MNSR, a distinction which helped maintain a clear separation between issues falling within the routine implementation of safeguards and those that fell outside that scope.

168. With respect to the Dair Alzour site, the report failed once again, despite repeated requests to the Secretariat, to address in substance Israel's lack of cooperation with the Agency, and did not attempt to draw any conclusions in that regard.

169. While the report determined that the probability that the anthropogenic natural uranium particles found at the site had originated from the missiles used to destroy the building or had been introduced by aerial dispersion from aircraft involved in the destruction was low, it did not state that the probability was zero. To eliminate the possibility that the particles in question had been introduced to the site from an external source, the active cooperation of Israel, and of any other countries possessing relevant information or anthropogenic uranium of the same type as that found at the Dair Alzour site, was essential.

170. In that context, and bearing in mind that the report did indicate that “information yet to be provided by Israel might be helpful in clarifying the matter”, Egypt asked the Secretariat, as it had at the previous Board meeting in June, to inform the Board of the nature of the exchanges that had taken place between the Agency and Israel on that matter. Egypt also requested that the Director General inform the Board whether he had raised that issue during his recent visit to Israel.

171. Another request which had been made repeatedly by his and many other delegations concerned the unexplained absence or great shortage of high quality satellite imagery during the six weeks following Israel’s destruction of the Dair Alzour facility. At the Board meeting in June, Egypt had voiced the expectation that the next report by the Director General would address that important issue. That expectation had not been met and, once again, the report contained no assessment by the Agency of the mysterious absence of satellite imagery.

172. As regards the MNSR, Egypt welcomed the plan of action agreed to between Syria and the Agency on 3 September 2010 and looked forward to its speedy implementation. Egypt continued to consider that the issues dealt with in section B of the report related to the routine implementation of safeguards in Syria and therefore did not warrant inclusion in a report by the Director General.

173. The Agency had acknowledged that it had been severely hampered in discharging its responsibilities under Syria’s safeguards agreement by the unilateral use of force by Israel at Dair Alzour and the late provision of information by some Member States. The Agency had not, however, informed the Board of the legal implications of Israel’s bombing of the Dair Alzour facility. Egypt therefore reiterated its request that the Secretariat present to the Board a comprehensive legal opinion on the bombing and its implications on the implementation of Agency safeguards in relation not only to the specific case of Dair Alzour but also to the general case of one Member State using violence as a means of dealing with a safeguards related concern.

174. He asked that the questions his delegation and others had raised regarding the issues under consideration be given due consideration by the Secretariat in future reports. It was a matter of serious concern that over several consecutive Board sessions no attempt had been made to provide answers those questions.

175. Ms MACMILLAN (New Zealand) said that the Director General’s latest report again raised serious concerns about Syria’s lack of cooperation on important aspects of the Agency’s investigation into outstanding safeguards issues.

176. New Zealand noted that Syria was in a continuing dialogue with the Agency over the MNSR, that it had provided a number of explanations for the particles of anthropogenic uranium of a type not included in its reported inventory at the site, and that it had also submitted inventory change reports for the newly declared material shown to the Agency during the March 2010 physical inventory verification at the MNSR.

177. New Zealand also noted that the Agency had requested further discussions with Syria concerning inconsistencies and questions raised by the results of the analysis of samples taken during that verification. She recalled the reference in the report to information in publicly available scientific

publications which indicated the past use of nuclear material in experiments and the possible presence of additional unreported nuclear material in Syria. In addition, she noted that the Agency had requested access to the Homs phosphoric acid purification plant and its associated buildings for the purpose of determining the extent of any uranium processing activities and nuclear material at the plant.

178. New Zealand was pleased to learn that during a meeting in Vienna on 3 September 2010 discussions had been held between Syria and the Agency regarding those issues and that agreement had been reached on a plan of action for resolving the Agency's questions and for addressing the Agency's request for access to the plant at Homs. New Zealand hoped that the information requested on the MNSR issues would be provided promptly and that the issues regarding the site would be clarified in a timely manner. New Zealand looked forward to timely completion of the plan of action and to further reporting by the Director General on those issues.

179. The report's conclusion that Syria had not cooperated with the Agency since June 2008 in connection with the unresolved issues related to the Dair Alzour site was deeply concerning. Furthermore, she took note of the Director General's conclusion that, with the passage of time, some of the necessary information concerning the Dair Alzour site was further deteriorating or had been lost entirely and that, after two years of investigations constrained by Syria's lack of cooperation, it was critical that Syria positively engage with the Agency on these issues without further delay.

180. New Zealand called on Syria to provide the Agency with all the information it needed regarding the Dair Alzour site, including information on the infrastructure observed at the site and the procurement efforts which Syria had stated had been related to civilian non-nuclear activities. Also, New Zealand urged Syria to heed the Agency's request for further access to the Dair Alzour site, the three other locations allegedly functionally related to it, and the sites where the debris from the facility had been relocated.

181. New Zealand supported the Director General in urging Syria to bring into force an additional protocol to its safeguards agreement, which would facilitate the Agency's work in verifying the correctness and completeness of Syria's declarations.

182. New Zealand called on Syria to cooperate on the full range of issues in its nuclear file as soon as possible so that any outstanding issues could be resolved as completely and expeditiously as possible.

183. It was not constructive to question the scope of the technical information provided in the Director General's report and New Zealand therefore saw no need for further elaboration by means of the issue of an addendum to the report.

184. Given the concerns expressed, New Zealand was in favour of keeping the item under discussion on the Board's agenda until all the Dair Alzour issues had been resolved.

185. Ms OSMAN (Malaysia) said that her country's position on the peaceful uses of nuclear energy was well known: all States must subscribe to the cardinal principles underlying the activities related to peaceful uses of nuclear energy. To ensure that those principles were not abused, States must exercise full transparency in nuclear programmes, subject those programmes to Agency full-scope safeguards, adhere to the provisions of the NPT, and gain the confidence and trust of the international community concerning the peaceful nature of their nuclear programmes.

186. Malaysia encouraged all States, including Syria, to subscribe to those principles, which were the necessary foundation for the development and peaceful uses of nuclear energy and which would ensure a safe and secure environment for all.

187. Malaysia welcomed Syria's ongoing cooperation with the Agency in its verification activities at the MNSR. At the same time, it encouraged Syria to continue its cooperation with the Agency in resolving the remaining issues related to the Dair Alzour site and other locations. Malaysia called on Israel to give its full cooperation to the Agency in facilitating the Agency's verification activities with respect to Syria.

188. In conclusion, she reiterated Malaysia's condemnation of Israel's act of aggression against a facility on Syrian territory on 6 September 2007, an act which constituted a flagrant violation of the United Nations Charter.

189. Mr MINTY (South Africa) welcomed the cooperation extended by Syria to the Agency concerning the MNSR through the provision of information on previously unreported uranyl nitrate production and irradiation activities, and additional explanations with respect to the presence of the anthropogenic natural uranium particles there, as well as the inventory change reports concerning the newly declared nuclear material. South Africa encouraged Syria to increase such cooperation and provide the Agency with the required information and unrestricted access in accordance with its comprehensive safeguards agreement.

190. South Africa welcomed the plan of action agreed with the Agency to address the outstanding issues regarding the MNSR, the other uranium experiments and the possible presence of additional unreported nuclear material in Syria. Syria's engaging with the Agency to establish the necessary modalities for managed access to information and locations could greatly facilitate progress in verification, while at the same time protecting military and other information it considered sensitive.

191. South Africa continued to condemn the unilateral use of force by Israel and regretted that information concerning the destroyed Dair Alzour site had not been forthcoming in a timely manner. South Africa called upon all Member States to direct any concerns arising about another Member State's safeguards agreement to the Agency without delay.

192. The Agency was the only internationally recognized competent authority responsible for verifying and ensuring States' compliance with safeguards agreements concluded in compliance with their obligations under the NPT. South Africa supported the Director General's call for Syria to bring into force an additional protocol as a confidence building measure, which would further facilitate the Agency's work in verifying the correctness and completeness of Syria's declarations.

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