

IAEA Board of Governors

Record of the 1282nd Meeting
GOV/OR.1282

Implementation of the NPT safeguards agreement in the
Syrian Arab Republic

Application of IAEA safeguards in the Middle East

Israeli nuclear capabilities

Board of Governors

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Record of the 1282nd Meeting

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¹ 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 AINI	_____	Afghanistan
Ms WILKINSON DE VEXINA		Argentina
Mr POTTS		Australia
Mr VALLIM GUERREIRO		Brazil
Mr DIALLO		Burkina Faso
Mr MPAY		Cameroon
Mr BARRETT		Canada
Mr HU Xiaodi		China
Ms GOICOCHEA ESTENOZ	}	Cuba
Mr GONZÁLEZ		
Mr BERNHARD		Denmark
Mr FAWZY		Egypt
Mr MONDOLONI		France
Mr LÜDEKING		Germany
Mr KHULLAR		India
Mr NAKANE		Japan
Mr YATANI		Kenya
Mr SHIM Yoon-Joe		Korea, Republic of
Ms MOHAMED KHAIRULLAH		Malaysia
Mr ENKHSAIKHAN		Mongolia
Mr HAMER		Netherlands
Ms MACMILLAN		New Zealand
Mr PARVEZ		Pakistan
Mr GARCÍA REVILLA		Peru
Mr NECULĂESCU		Romania
Mr BERDENNIKOV		Russian Federation
Mr MINTY		South Africa
Mr ROSELLÓ SERRA		Spain
Mr PRAZ		Switzerland
Mr KERİMOĞLU		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 YÁNEZ PILGRIM		Venezuela, Bolivarian Republic of
Mr AMANO	_____	Director General
Mr NACKAERTS		Deputy Director General, Department of Safeguards
Mr CSERVENY		Assistant Director General, Office of External Affairs and Policy Coordination

Attendance (continued)

Mr RAUF	Office of External Affairs and Policy Coordination
Mr ANING	Secretary of the Board

Representatives of the following Member States also attended the meeting:

Albania, Algeria, Angola, Armenia, Austria, Belarus, Belgium, Bulgaria, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, Estonia, Finland, Greece, Holy See, Hungary, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Israel, Italy, Jordan, Kazakhstan, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Morocco, Namibia, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Portugal, Qatar, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, Sudan, Sweden, Syrian Arab Republic, Thailand, the Former Yugoslav Republic of Macedonia, Tunisia, United Arab Emirates, United Republic of Tanzania, Vietnam, Yemen, Zimbabwe.

Abbreviations used in this record:

DPRK	Democratic People's Republic of Korea
EFTA	European Free Trade Association
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review and Extension Conference	Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	nuclear-weapon-free zone
SIR	Safeguards Implementation Report
Tlatelolco Treaty	Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean
UNDP	United Nations Development Programme
WMD	weapons of mass destruction

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

7. Nuclear Verification

(d) Implementation of the NPT safeguards agreement in the Syrian Arab Republic (continued)

1. Mr SHIM Yoon-Joe (Republic of Korea) said that his Government greatly appreciated the professional manner in which the Agency had undertaken verification activities in accordance with its mandate under Syria's safeguards agreement.
2. His Government, which had noted that the Agency was carrying out verification activities concerning the presence of anthropogenic natural uranium particles at the Miniature Neutron Source Reactor (MNSR) in cooperation with Syria, welcomed the fact that an agreement between the Agency and Syria had been reached on a plan of action for resolving the Agency's questions and for addressing its request for access to the Homs plant after discussions about the physical inventory verification (PIV) performed in March 2010. In the hope that the agreement would serve as the basis for thorough investigations aimed at resolving the gamut of outstanding issues concerning the implementation by Syria of its safeguards obligations, his Government would like to see Syria continuing to cooperate with the Agency in order that the origin of the uranium particles in question might be clarified.
3. Notwithstanding the progress made in connection with the MNSR, it remained a matter of serious concern that the absence of cooperation on Syria's part for over two years had effectively rendered the Agency unable to complete its assessment of the installation at the Dair Alzour site. Since the detection of undeclared anthropogenic natural uranium particles at the site in 2008, the limited information and access provided by Syria had not allowed the Agency to substantiate statements regarding the non-nuclear nature of the site. It was regrettable that repeated requests for prompt access to all relevant information, for the verification of Syria's declarations, had gone unheeded. Also, the ensuing passage of time had taken its toll on the available evidence, some of which had, according to the Director General's latest report, been lost entirely. The Syrian authorities should provide the Agency with a level of cooperation that would enable it to determine the scope and nature of Syria's nuclear activities.
4. Time was of the essence, and his delegation shared the Director General's sense of urgency regarding the constraints that the lack of cooperation had imposed on the verification process. It was critical that Syria cooperate fully with the Agency and establish arrangements for managed access to relevant information and locations without further delay. Also, Syria should bring an additional protocol into force so as to facilitate verification of the correctness and completeness of its declarations.
5. Mr GONZÁLEZ (Cuba) said that in its latest report the Secretariat had once again included questions that did not relate to developments that had occurred since the appearance of its previous report; issued in May 2010. The Secretariat had given an account of the events that had occurred since 2008 as if its latest report were its first report on the subject. In so doing, it was still failing to heed the demand of various delegations that the information in its report be strictly limited to the periods covered by them.
6. Cuba had been pleased to learn (from paragraph 13 of the latest report) that at a meeting in Vienna on 3 September 2010 an agreement had been reached between the Syrian authorities and the Secretariat on a plan of action for resolving the Agency's questions and for addressing its request for

access to the plant at Homs; that recent development confirmed Syria's willingness to cooperate with the Agency, and it should have been the main element highlighted by the Director General in his introductory statement.

7. At the same time, Cuba was concerned about paragraph 11 of the report, which contained an assumption based on information in supposedly scientific publications — unspecified — about supposed past events. The Secretariat should confine itself to the facts it had been able to prove and not repeat the conjectures of third parties. Cuba would welcome details regarding the information sources indicated.

8. Cuba was deeply concerned about the fact, referred to in paragraph 8, that the Secretariat was continuing to request that Syria provide managed access to information and locations of a strategically and sensitive nature as regards that country's sovereignty, integrity and national security; the Secretariat's requests were unfair and unacceptable, particularly given the repeated leaks of safeguards information to the news media. The matter had been the subject of discussion in the Board, and it was to be hoped that there would be no further leaks, as they could engender mistrust in Member States with regard to how the Agency handled information they provided to it.

9. The discussions under the present agenda item were ill-founded, as the Agency's verification activities had been invalidated from the start by the Israeli bombing of the Dair Alzour site in blatant violation of international law. The Statute stipulated that the Agency should "conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international cooperation". Nothing could run more counter to those purposes and principles than Israel's aggression, but the references to the aggressor, from whom information was still hoped for, had been timid and hesitant. The leaders of NAM had, at the 15th NAM Summit, held in Egypt, underlined NAM's position of principle against the use and the threat of the use of force against the territorial integrity of any State. Cuba condemned Israel's 6 September 2007 attack on the Syrian installation at the Dair Alzour site as a flagrant violation of the United Nations Charter.

10. The Agency's verification activities should not involve infringements of the sovereignty of countries where such activities took place. Any request not covered by Syria's safeguards agreement should be the subject of negotiations with the Syrian authorities conducted on a strictly voluntary basis and with full respect for the sovereignty of Syria. Attempts to impose the signing of an additional protocol on any country were unacceptable, since they violated the principle that the signing and ratification of an international agreement by a State were voluntary acts.

11. The Board should act responsibly and condemn Israel energetically for obstructing the Agency's verification activities by bombing the Dair Alzour site. Double standards should be eliminated in the handling of the issue. The countries trying to put Syria in the dock seemed to be unaware of the Israeli Government's actions and of the negative impact of the bombing on the Agency's verification work.

12. One delegation had urged that the Board not insist on the Secretariat's providing additional information about the bombing of the Dair Alzour facility, but the request for additional information had been made by two-thirds of the Agency's Member States, and in making it they had been fully within their rights. Responding to the request would be in the interest of the Agency, and for Cuba it was incomprehensible and a source of deep concern that Member States should be calling on the Secretariat not to provide additional information that might clarify matters. There had been a serious violation by Israel of the United Nations Charter and international law, and the Board still had no information as to the implications for the safeguards regime.

13. Without such information, the Secretariat's latest report was incomplete and, in Cuba's opinion, should therefore not be made public.

14. Mr RECKER (Belgium)*, speaking on behalf of the European Union, said that, in the interest of preservation of the Agency's independence, the European Union was opposed to the request made by NAM for an addendum to the report under consideration.

15. Mr ELMESALLATI (Libyan Arab Jamahiriya)* said that the destruction by Israel of facilities of a sovereign State that was a party to the NPT, and had concluded a comprehensive safeguards agreement with the Agency, on the pretext that they were nuclear facilities had been tantamount to mocking the international community and the Agency. Such behaviour was a major impediment to the Agency's verification activities — a fact that should have been clearly reflected in the report of the Director General.

16. Libya, which considered that Syria should be commended on its cooperation with the Agency, would like to see an end put to double standards and to Israel's aggressive behaviour. Israel should be compelled to place all its nuclear facilities under comprehensive Agency safeguards. After all, most Arab Member States parties to the NPT had concluded comprehensive safeguards agreements with the Agency and some had also concluded additional protocols.

17. Libya, which attached great importance to the Arab League's condemnation of Israel's aggression against Syria, welcomed the agreement between Syria and the Agency on a plan of action for resolving the latter's questions and for addressing its request for access to the plant at Homs. It hoped that the issue would in future be considered in the context of routine business pursuant to Syria's comprehensive safeguards agreement.

18. Mr FAWZY (Egypt), speaking on behalf of NAM, said that the views he had expressed on behalf of NAM during the Board's previous meeting had reflected the views of the majority of the Agency's Member States.

19. The request made by NAM during that meeting for additional information had not been politically motivated; it had been motivated by a desire that the Agency's Member States have a comprehensive report on the issue now under consideration in the Board — one addressing very legitimate concerns that NAM had repeatedly raised.

20. NAM considered that, without the requested additional information, the report contained in document GOV/2010/47 was incomplete and should therefore not be derestricted.

21. Mr AZOULAY (Israel)* said that the report of the Director General revealed a continuing pattern of non-cooperation with the Agency in its investigation and of evasion as regards sharing with the Agency information pertaining to the true nature of the destroyed Dair Alzour facility and of Syria's activities connected with the MNSR and the Homs facility. Syria was withholding information about the nuclear reactor site at Dair Alzour and still refusing access to several sites, including the one to which the debris from the destroyed nuclear reactor had been shifted. Obviously time was of the essence as regards access to those sites.

22. The latest false assertions made by Syria contradicted its previous false assertions, and they were rejected in the Director General's report. Israel was not the source of the uranium particles found at the Dair Alzour site, and Syria's evasive allegations were ridiculous. The only place where contamination could be found, and on a large scale, was the site to which the debris from the reactor had been shifted. Syria had to come up with a better explanation for the presence of anthropogenic uranium particles at the Dair Alzour site, preferably the truth.

23. It was interesting to note that Syria's greatest supporter was another Member State that was under Agency investigation. As a veteran in concealment and the evasion of Agency inspections, Iran could certainly teach Syria a great deal.

24. The report contained additional disturbing findings about the nature of Syria's nuclear activities, which constituted a gross breach of that country's obligations under its safeguards agreement with the Agency. Also, the failure of Syria to report and explain in a timely manner the presence of uranyl nitrate and yellowcake at the MNSR facility was in contradiction with its legal obligations regarding the use of the facility at Homs, funded through the Agency's technical cooperation programme.
25. The findings in the report amounted to a consistent picture of Syrian violations, deception, denial and non-cooperation regarding its nuclear programme and activities. Furthermore, the accumulation of findings suggested that Syria's clandestine nuclear programme was larger than formerly assessed.
26. The Board should see to it that the Agency's investigation in Syria, which had arrived at a critical phase, was completed, with a thorough analysis of the evidence that was currently being withheld by Syria.
27. Mr SOLTANIEH (Islamic Republic of Iran)* said his country had already expressed its serious concern about the fact that the Agency was conducting inspection activities in an unprecedented manner that would definitely lead to deviation of the Agency from its legal mandate.
28. In his latest report, the Director General referred to Agency requests for further procurement-related information and documentation. Those requests had no basis in Syria's comprehensive safeguards agreement with the Agency and were unrelated to the technicalities of Agency safeguards inspections. As such, they were likely to establish a new precedent in the verification area.
29. Another matter for concern was the conclusion of the Secretariat that it should have unrestricted access to certain locations, even military sites. The Secretariat had still to explain the legal basis for that conclusion, which had no basis in any of the Agency's legally binding instruments.
30. Iran had bitter experience in that regard. His country had cooperated proactively with the Agency, but, contrary to what had been promised by the Secretariat, its proactive cooperation had not led to closing of the 'Iranian file'; it had led instead to an endless cycle of unlawful requests, paving the way for resolutions, sanctions, export impediments, and pressure on companies not to do business with Iran.
31. The Director General's report made no distinction between what was voluntary and what was obligatory under Syria's comprehensive safeguards agreement. Anyone reading the report would assume that the provision of procurement-related information and documentation and of unlimited access to military sites constituted an integral part of Member States' obligations under their comprehensive safeguards agreements.
32. On a number of occasions, NAM had emphasized that voluntary actions should not come to be regarded as legally obligatory actions.
33. It was a bitter irony in the case under consideration that the aggressor was being totally neglected while the victim had become the target of false accusations. Israel had flagrantly violated the United Nations Charter and international law in committing an aggressive act against Syria. However, the aggressor and its supporters had then constructed a wild scenario and got the Agency involved in what seemed to be a vicious circle of unjust allegations. The scenario planned against Iran had been repeated.
34. At the same time, the members of the Board loudest in their criticism of Syria were turning a blind eye to the Israeli regime, whose nuclear arsenal constituted a real threat to peace and security in the Middle East and the world at large. They should not forget the brutal acts perpetrated by the Israeli

regime against innocent civilians in Gaza and against carriers of international humanitarian aid to Gaza, the most recent being an act of piracy that the Israeli regime had carried out in international waters by intercepting a humanitarian aid mission designed to help half a million innocent and besieged Palestinians.

35. When tensions and international condemnation reached a peak, the Israeli regime immediately started to talk — over the graves of Palestinian children whom it had massacred — about peace.

36. Unjust attitudes and conduct had no place within the framework of the Agency. The Director General had a clear mandate from Member States to reflect the Agency's condemnation of the Israeli regime's military aggression against Syria and to seek the source of the contaminating uranium particles in Israel, from where contaminated missiles had been launched against the Dair Alzour site.

37. Iran would like to see a report about swipe samples taken from the missile launcher in Israel and the result of their analysis as soon as possible, before the source of contamination had been cleaned up or destroyed by the Israeli regime.

38. Mr AL-SABBAGH (Syrian Arab Republic)*, expressing appreciation for the statements of support for his country made on behalf of NAM, the Arab Group and certain other States, regretted that, in other statements, speakers had continued to level accusations against his country despite all the cooperation it had extended to the Agency. Neither the latest report of the Director General nor the recent technical briefing given by the Secretariat had done justice to that cooperation, and both had lacked objectivity, playing down some aspects of the issue under consideration while overstating others.

39. As long as the Secretariat continued to insist on repeating, in each latest report, information provided in earlier reports, his delegation would be obliged to continue stating that the facility destroyed by Israel in September 2007 had been a non-nuclear-related military facility under construction, as had been borne out by Agency inspectors in June 2008.

40. The question arose as to why some States that claimed to have peace and international security very much at heart had failed to condemn Israel's brutal attack on the sovereignty of Syria in blatant violation of international law, choosing instead to remain silent for eight months before providing the Agency with information from open sources and requesting it to initiate an investigation into the attack. The Secretariat had followed much the same approach, dismissing or overlooking points of view expressed and observations made by Syria and other Member States pertaining either to the accuracy of information or to the limits of legal obligations under comprehensive safeguards agreements. It was hard to understand why the Secretariat, in its reports, repeatedly shied away from referring to Israel, which chose to make arrogant allegations when it should be providing the Agency with all the information that it possessed, in the form of images or documents.

41. Why had Israel not cooperated with the Agency by disclosing the true nature of the contamination caused by its missiles? It was time that the Secretariat dispatched inspectors to Israel in order to verify the source of the particles of anthropogenic natural uranium, and it should stop making weak statements such as "information yet to be provided by Israel might be helpful in clarifying the matter".

42. Syria, along with a large number of other States, had repeatedly called for a better balance in the Director General's reports on the subject under consideration, so that they truly reflected the failure of Israel to cooperate and provide information despite being repeatedly urged to do so.

43. As to the proposed modalities for protecting military and other classified information provided by Syria, his delegation had heard what the Director General had told the Board about the Secretariat's investigation into the source of the information leaks that had occurred, but it still wondered whether

such leaks had really ended. Experience had shown that efforts by the Secretariat to preserve the confidentiality of information could never be entirely successful, for one thing because of the large number of staff members, and his country, given the state of war between it and Israel, could not reasonably agree to any measure that would jeopardize its security.

44. Although the Dair Alzour site did not fall within the scope of Syria's comprehensive safeguards agreement, Syria had allowed Agency inspectors to visit the site and its surroundings and to take environmental samples, and it had answered all Agency queries. That testified to Syria's transparency and spirit of cooperation.

45. With regard to section B of the Director General's latest report (Activities at the MNSR site), the presence of uranium particles was a natural phenomenon at all laboratories associated with such research reactors. The quantity referred to in the report scarcely exceeded a few grams. At issue was commercially available material that was reported to the Agency. Accounts of all studies involving the MNSR had been published in international journals and made available on the Internet, which showed that there had been no attempt at concealment. The Agency inspectors who had conducted many routine inspections at the MNSR facility had never informed their Syrian counterparts that such studies had to be reported to the Agency even though only insignificant amounts of material had been involved.

46. As to the pilot plant for phosphoric acid purification at Homs, as indicated in the report, it had been constructed with Agency support and funded by UNDP. In 2004, inspectors from the Department of Safeguards visiting the plant had seen that no diversion had taken place. One by-product of the phosphoric acid purification process was yellowcake, which was not subject to safeguards.

47. The 3 September 2010 meeting referred to in paragraph 13 of the Director General's report had been held, at the Secretariat's request, with a view to Syria's replying to additional Agency questions about samples collected by inspectors in March 2010. At that meeting, Syria's willingness to cooperate with the Agency had been clearly demonstrated.

48. Syria, which was fulfilling its obligations under the Agency's Statute and its comprehensive safeguards agreement with the Agency, was keen to bring the matter to a close as soon as possible. It hoped that future reports by the Director General would truly reflect the cooperation extended by Syria and that in the future the Secretariat would refrain from repeating inaccurate statements and drawing premature and biased conclusions.

49. In view of the importance of preserving the confidentiality of classified information, Syria requested that the report contained in document GOV/2010/47 not be made public.

50. The DIRECTOR GENERAL, responding to a question asked in the course of the discussion, said that during his recent visit to Israel he had requested further information relating to the Dair Alzour site and had been told that all such information had already been provided to the Agency.

51. Comments had been made about paragraph 15 of his latest report, where it was stated that the Agency had not been able to make progress towards resolving the outstanding issues related to the Dair Alzour site and three other locations. That was simply a statement of where the Agency stood at present with regard to those issues, and in his view it had been right to make that statement.

52. With regard to the plan of action agreed upon by representatives of Syria and the Agency at the 3 September 2010 meeting held in Vienna, he hoped that it would produce positive results.

53. Mr NACKAERTS (Deputy Director General for Safeguards), replying to a question about the absence of satellite imagery of the Dair Alzour site for six weeks following the destruction of the building there, referred to the first report of the previous Director General on "Implementation of the

NPT Safeguards Agreement in the Syrian Arab Republic” (document GOV/2008/60), which stated in paragraph 16 that “For its assessment of the site immediately after the bombing, the Agency used satellite imagery provided by Member States, as there was no high resolution imagery for that period available to the Agency from commercial vendors. The first commercial images that the Agency was able to obtain after the bombing on 6 September 2007 were taken on 24 October 2007; these images indicate large scale clearing and levelling operations had taken place at the Dair Alzour site after the bombing.”

54. It would be recalled that one low-resolution commercial radar image had also been available to the Agency; it had been taken on 18 September 2007. The image had subsequently been shown to Member State representatives at various technical briefings, as recently as during the previous week.

55. Satellite imagery was only one means by which the Agency made its assessments. Therefore, the absence of high-resolution images during the six-week period in question had not prevented the Agency from making an assessment. However, it would have helped if such images had been available. Parties with access to such images were once again called upon to release them to the Agency.

56. A question had been raised about the impact of the bombing on the Agency’s ability to carry out effective verification at the destroyed facility. Paragraph 15 of the first report of the previous Director General read as follows: “The Director General emphasizes that the Agency was severely hampered in discharging its responsibilities under the NPT and under Syria’s Safeguards Agreement by the unilateral use of force and by the late provision of information concerning the building at the Dair Alzour site. In light of the destruction of the building and the subsequent removal of the remains, the Agency’s verification of the situation has been made more difficult and complex, as well as more time and resource consuming”. That continued to be the Agency’s view.

57. With regard to a question about access to military sites, the Agency did in fact have the right of access to information, activities and locations with a military dimension. There was no limitation in comprehensive safeguards agreements and additional protocols of the exercise of that right for the purpose of verifying the correctness and completeness of a State’s declarations. To read such a limitation into those instruments might lead to a State’s circumventing obligations by placing nuclear material in a military installation. Also, an assertion by a State that certain information, activities or locations were of a military nature and therefore not nuclear-related could not be left unverified if there were reasonable concerns about the correctness or completeness of the State’s declarations. If it did not verify such assertions, the Agency would not be able to make any credible statements about the correctness and completeness of a State’s declarations. The obligation for the Agency was to exercise the right of access to military information, activities and locations in a manner that took account of the concerns of States regarding confidentiality.

58. Mr SOLTANIEH (Islamic Republic of Iran)* said that the information provided by the Secretariat about the Agency’s right of access to information, activities and information with a military dimension during the recent technical briefing had been internally inconsistent, and no distinction had been made between normal access and managed access. There should be clarity about such matters. Did the Agency have a blank cheque to demand immediate access to any military site in a Member State that had concluded a comprehensive safeguards agreement with it? Were military sites to be treated in the same way as civilian sites, with no special procedures to take account of States’ security concerns?

59. Those questions needed to be answered, for they were of interest not just to Syria, but to many other Member States as well.

60. Regarding the correctness and completeness of declarations made by States pursuant to their comprehensive safeguards agreements, for decades it had been repeatedly claimed, in order to justify the conclusion of additional protocols, that, if a State did not have an additional protocol in force, the Agency could not be sure that its declarations were both correct and complete. Now it was being claimed that, when no additional protocol had been concluded, a comprehensive safeguards agreement alone entitled the Agency to do whatever it considered necessary in order to assure itself that a State's declarations were both correct and complete. What, then, was the purpose of the additional protocol? There should be technical discussions between the Secretariat and Member States regarding that question.

61. The CHAIRMAN, summing up, said that several Board members had commended the Director General and the Secretariat for their professional and impartial efforts in implementing the verification activities in Syria.

62. Several members had expressed concern that Syria had still not provided the Agency with all the additional information and supporting documentation regarding the destroyed building at the Dair Alzour site, nor allowed access to all of the locations requested by the Agency, and that Syria had not cooperated with the Agency since June 2008 in that regard. They had noted with concern the statement in the Director General's report that with time some of the necessary information might deteriorate or be lost entirely. They had stated that it was essential that Syria cooperate fully with the Agency with regard to those issues.

63. Several members had noted that the report by the Director General contained no new information on the Dair Alzour site and they had queried the rationale behind including the issue in the report. A view had been expressed that reporting should relate only to new developments.

64. Several members had noted Syria's statement that the destroyed building and the current facility at the Dair Alzour site were non-nuclear military installations, and some members had emphasized the issue of sovereignty and national security in that context. However, other members had shared the Agency's view that the declared military nature of the Dair Alzour site did not preclude further investigations by the Agency. They had called upon Syria to cooperate with the Agency in establishing modalities which would allow the Agency access to relevant information and locations while protecting sensitive military information.

65. Several members had noted that Israel continued to ignore the Agency's requests for clarification in relation to the destruction of the building at Dair Alzour. They had called on Israel to cooperate fully with the Agency by providing it with comprehensive information on the nature of the materials used by Israel in its attack on the Dair Alzour site. Some members had noted that the report did not address Israel's lack of cooperation with the Agency and did not attempt to draw any conclusion on that, and they had requested clarifications from the Secretariat in that regard.

66. Several members had called on Israel, and also on other States which might possess information relevant to the Agency's verification, including satellite imagery, to make such information available to the Agency. Some had also queried the absence of references in the report to that aspect.

67. Some members had called on Syria to sign and bring into force an additional protocol as soon as possible as a means to strengthen the confidence of the international community in the peaceful nature of Syria's nuclear activities and to further facilitate the Agency's work in verifying the correctness and completeness of Syria's declarations.

68. Several members had emphasized the distinction between the legal obligations of States under their respective safeguards agreements and voluntary measures which did not constitute legally-binding safeguards obligations.

69. Several members had encouraged the ongoing cooperation between Syria and the Agency regarding the routine implementation of Syria's safeguards agreement at the Miniature Neutron Source Reactor (MNSR) in Damascus. They had welcomed in that regard 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. Some members had expressed the view that such issues related to the routine implementation of safeguards in Syria and therefore did not warrant inclusion in a report by the Director General.

70. A view had been expressed that the distinction made in the report between the issues relating to the MNSR and Dair Alzour helped to maintain a clear separation between issues that related to the routine implementation of safeguards, as opposed to other issues that fell outside that area.

71. Several members had noted that the results of the analysis of samples taken in March 2010 at the MNSR had raised inconsistencies and questions, and that information in scientific publications indicated the possible presence of additional unreported nuclear material in Syria. They had further 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. They had called on Syria to fully cooperate in the implementation of the plan of action agreed with the Agency, in order to resolve all the remaining questions.

72. Several members had welcomed Syria's resolve to continue cooperating with the Agency and had encouraged Syria and the Secretariat to continue cooperating with a view to resolving any remaining issues, consistent with Syria's legal obligations, in order to enable the Agency to complete its assessment.

73. Several members had reiterated the view that, while considering that issue, it was essential not to lose sight of the manner in which it had initially been brought to the attention of the Agency. They had expressed serious concern that the Agency had been severely hampered in discharging its responsibilities under Syria's safeguards agreement by the unilateral use of force by Israel, which was not a party to the NPT, and by the late provision of information concerning the building at the Dair Alzour site.

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

75. Some members had requested the Secretariat to present to the Board a legal opinion on the implications of Israel's bombing on the implementation of Agency safeguards in relation to the specific case of Dair Alzour, and also in terms of the generic case of one Member State using violence as a means of dealing with a safeguards-related concern.

76. Several members had reiterated their request that future reports by the Director General on that issue contain the Agency's assessment on specific relevant points and queries raised by several delegations during several consecutive sessions of the Board, such as the implications of Israel's bombing of the Dair Alzour site, and the reasons that might explain the absence of satellite imagery of the site for a period of six weeks following its destruction. They had regretted that the report of the Director General had not addressed such issues and had requested that an addendum to the report be issued in that regard.

77. However, several other members had expressed the view that there was no need for an addendum to the report to be issued, and had cautioned against the politicization of the verification issues in Syria.
78. Several members had stressed that all Member States should avoid any undue pressure or interference in the Agency's activities, especially in its verification process, which would jeopardize the efficiency and credibility of the Agency.
79. Several members had requested the Director General to continue keeping the Board informed of developments as appropriate.
80. The Board had noted the responses of the Director General and the Secretariat to comments made.
81. He took it that the summing-up was acceptable to the Board.
82. The Chairman's summing-up was accepted.
83. The CHAIRMAN recalled that there had been requests to make public the report of the Director General contained in document GOV/2010/47, but there was no consensus on that matter. Therefore, the report would not be made public.
84. It was so decided.

8. Other matters arising from the fifty-third (2009) regular session of the General Conference

(a) Application of IAEA safeguards in the Middle East (GOV/2010/48)

85. Mr FAWZY (Egypt), speaking on behalf of NAM, said that stability could not be achieved in a region where massive imbalances in military capabilities were maintained, particularly through the possession of nuclear weapons, which allowed one party to threaten its neighbours and the region as a whole. The establishment of an NWFZ in the Middle East would be a positive step towards attaining the objective of global nuclear disarmament, and NAM continued to advocate the establishment of such a zone in accordance with relevant General Assembly and Security Council resolutions. The effective and efficient application of Agency safeguards in the Middle East promoted greater confidence among States in that region, and achieving the universality of comprehensive Agency safeguards in the Middle East region would be the first practical step towards that end and was a necessary step towards the establishment of an NWFZ there.

86. NAM welcomed the fact that its member countries parties to the NPT were concluding comprehensive safeguards agreements with the Agency in fulfilment of their obligations under paragraph 1 of Article III of the NPT, as non-nuclear-weapon States. All States of the Middle East region except for Israel were parties to the NPT and had undertaken to accept comprehensive Agency safeguards.

87. NAM regretted Israel's continued insistence that the issue of Agency safeguards could not be addressed in isolation from the regional peace process; there was no automatic sequence which linked

the application of comprehensive safeguards to all nuclear activities in the Middle East to the prior conclusion of a peace settlement — the former would contribute to the latter.

88. NAM also regretted the fact that the Director General had not been able to make further progress in fulfilling his mandate, pursuant to resolution GC(53)/RES/16, regarding the application of comprehensive Agency safeguards to all nuclear activities in the Middle East.

89. All Member States should cooperate in reversing what was an unacceptable situation and achieving, as first priority, the universality of comprehensive Agency safeguards in the Middle East region.

90. NAM had noted that the Director General would “continue with his consultations in accordance with his mandate regarding the early application of comprehensive Agency safeguards on all nuclear activities in the Middle East region.” It welcomed the Director General’s efforts to encourage the development and consideration of relevant new ideas and approaches that could help move his mandate forward, and it hoped that the Director General would brief Member States regularly on such efforts.

91. The NAM member countries parties to the NPT welcomed the fact that the 2010 NPT Review Conference had “endorsed the practical step that the Secretary-General of the United Nations and the co-sponsors of the [resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference], in consultation with the States of the region, will convene a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region, and with the full support and engagement of the nuclear-weapon States.” NAM had noted that the 2012 conference would take the 1995 resolution as its terms of reference.

92. NAM greatly appreciated the Director General’s recent efforts to develop an agenda and modalities that would help to ensure “a successful forum on the relevance of the experience of existing NWFZs, including confidence-building and verification measures, for establishing a nuclear-weapon-free zone in the region of the Middle East.” For the forum to be successful, its agenda should reflect the consensus within the international community on the importance of establishing an NWFZ in the Middle East. Accordingly, NAM would like the Director General to continue consultations with Member States of the Middle East region in an effort to achieve a consensus, by convergence of views, on the agenda and modalities of the forum.

93. NAM was fully committed to cooperating with the Director General and supporting his efforts in implementing resolution GC(53)/RES/16. It was NAM’s expectation that all Agency Member States would cooperate with him and support his efforts.

94. Mr DIALLO (Burkina Faso), speaking on behalf of the African Group, said that the Pelindaba Treaty, establishing an African NWFZ, had entered into force on 15 July 2009, the requisite number of ratifications — 28 — having finally been achieved. However, favourable conditions still had to be created for additional African countries to ratify it. First and foremost was the need to address the concern that the impact of a nuclear weapon test, of the use of nuclear weapons and of an accident involving nuclear weapons could not be contained within national boundaries or even within a continent. In anticipation of such a concern, the Pelindaba Treaty recognized that the establishment of other NWFZs, especially in the Middle East, would enhance the security of African States. Accordingly, the establishment of an NWFZ in the Middle East was an issue of special interest to the African Group.

95. The African Group was convinced that the effective and efficient application of Agency safeguards in the Middle East promoted greater confidence among States in that region and that

achieving the universality of comprehensive Agency safeguards in the Middle East was a necessary step towards the establishment of an NWFZ there.

96. The African Group regretted Israel's continued insistence that the issue of Agency safeguards could not be addressed in isolation from the regional peace process. It agreed that there was no automatic sequence which linked the application of comprehensive safeguards to all nuclear activities in the Middle East, or the establishment of an NWFZ there, to the prior conclusion of a peace settlement, and that the former would contribute to the latter.

97. The African Group welcomed the decision to convene, in 2012, a conference, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction and to take the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference as its terms of reference.

98. The African Group would like the Director General to intensify his consultations with Member States of the Middle East with the aim of fully implementing the resolutions of the General Conference relating to the application of full-scope safeguards to all nuclear activities in the Middle East.

99. Mr FAWZY (Egypt) said that his country was pleased that the Director General had sought to encourage the development of new ideas and approaches that might help to bring about the application of comprehensive Agency safeguards throughout the Middle East. It looked forward to a report by the Director General outlining such ideas and approaches.

100. In paragraph 7 of the report now under consideration, it was stated that "All States of the Middle East region except for Israel are parties to the ... NPT and have undertaken to accept comprehensive Agency safeguards." The report thus identified Israel as the sole obstacle to the universal application of comprehensive safeguards in the Middle East and hence to full implementation of the relevant General Conference resolutions.

101. In that paragraph, however, there were references to additional protocols. Egypt considered the implementation of additional protocols by States to be a potentially useful voluntary measure, but it failed to see any connection between additional protocols and the General Conference resolutions entitled "Application of IAEA safeguards in the Middle East", which focused on the application of full-scope Agency safeguards.

102. Regarding paragraph 8 of the report, his delegation regretted the fact that precedence was given to reflecting Israel's views, as opposed to the mainstream views held by all other States of the Middle East region. Given the length of time taken to draft the report, his delegation assumed that the formulation of paragraph 8 was the result of a deliberate choice. It hoped that the Secretariat would clarify the matter.

103. In paragraph 9 of the report, it was stated that the process which had resulted in broad adherence to the NPT and consequently to INFCIRC/153-type comprehensive safeguards agreements in the Middle East was an important step in creating confidence regarding nuclear non-proliferation and regional security. In other words, non-adherence to the NPT and to an INFCIRC/153-type comprehensive safeguards agreement in the Middle East undermined confidence regarding nuclear non-proliferation and regional security. Israel was the only State in the Middle East to have chosen that path. The report should have made that clear.

104. His delegation welcomed the references in the report to the positive outcomes relating to the Middle East of the 2010 NPT Review Conference, including the endorsement of the convening in 2012 of a conference, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction. However, it was

surprised by the omission of any kind of reference to the background documentation that the Agency was expected to prepare for the 2012 conference.

105. With regard to the preparation by the Agency of a model safeguards agreement relating to the Middle East, it was self-evident that such an agreement, in its final form, would need to be fine-tuned by the States of the region. That did not, however, preclude the Agency from implementing the mandate assigned to it in paragraph 10 of resolution GC(53)/RES/16, in which the Director General was requested to consult with the States of the Middle East “as relevant to the preparation of model agreements, as a necessary step towards the establishment of an NWFZ in the region”. Egypt considered that the preparation by the Secretariat of a rolling text of a model agreement, based both on its consultations with States of the Middle East and on its extensive experience relating to that region and to other regions, could form the basis for further work by the States of the region. Such a rolling text would be consistent with the mandate entrusted to the Director General and would represent a useful and welcome contribution by the Secretariat to a process leading to the universal application of comprehensive Agency safeguards in the Middle East and to the establishment of an NWFZ there. His delegation would therefore like the Secretariat to commence work immediately on the preparation of a model agreement, with a view to presenting it to Member States as soon as possible.

106. During the Board’s previous meeting, the Director General had made a touching reference to the memory of the attacks on Hiroshima and Nagasaki, reminding all present of the devastation, sorrow and pain that nuclear weapons had caused in the past. There was no guarantee of the non-recurrence of such horrific events as long as a minority of States obstinately chose to retain their nuclear weapons. The Middle East had been spared the kind of suffering that lived on in the memory of the people of Japan and could be imagined by all those who visited Hiroshima and Nagasaki, including himself, and met with survivors of the ordeal. On the other hand, the Middle East had endured more than its fair share of war, destruction, injustice and sorrow. Egypt had therefore striven for almost four decades to remove the threat of nuclear weapons from the Middle East. It had not been helped by those who claimed to champion the cause of global nuclear non-proliferation nor by Member States that spoke out loud and clear under agenda items relating to the DPRK, Iran and Syria but appeared to be stricken by a sudden loss of voice when the Board turned its attention to the application of safeguards in the Middle East. Egypt therefore sought the proactive engagement of the Director General and the Secretariat in efforts to remove that threat.

107. Mr ENKHSAIKHAN (Mongolia) said that the application of Agency safeguards in the Middle East was an issue of great importance for the non-proliferation of nuclear weapons and for supporting international peace and security in one of the most sensitive parts of the world. The universal application of Agency safeguards would serve as a confidence-building measure leading to the establishment of a mutually agreed NWFZ in the Middle East.

108. In 2000 an agreement in principle had been reached on the convening of a forum to consider experiences of possible relevance to the creation of an NWFZ in the Middle East. However, the different approaches to the issue had precluded agreement on the agenda and modalities of such a forum. The Director General’s report presented a clear picture of the reasons for the impasse.

109. However, the successful outcome of the 2010 NPT Review Conference and the agreement on convening in 2012 a conference to be attended by all States of the region created a new, positive environment. Hence, despite the continuing lack of clarity among the States of the region regarding the substance of an agreement to establish an NWFZ, it was to be hoped that the new environment would make it easier for the Director General to find common ground in his consultations. Mongolia welcomed the Director General’s efforts to encourage the development and consideration of new ideas and approaches that might help him in carrying out his mandate.

110. In 1992 Mongolia had declared its territory a single-State NWFZ, and it had accumulated considerable experience that could be shared with others. In its outcome document, the Second Conference of NWFZs and Mongolia, held on 30 April 2010, had expressed full support for Mongolia's policy. Also, the Conference had reiterated its support for the establishment of an NWFZ in the Middle East as "a matter of urgency".

111. His delegation would be interested in hearing the Secretariat's view about the relationship between the envisaged forum and the envisaged 2012 conference on a Middle East NWFZ. What role could the forum play in preparing for the conference and what mechanism would trigger the preparation by the Agency of the requested background documentation for the conference?

112. Mr BERDENNIKOV (Russian Federation) said that his country continued to advocate universalization of the NPT, the creation of zones free of nuclear weapons and other weapons of mass destruction, including in the Middle East, and the application of comprehensive Agency safeguards in all States in that region.

113. The decisions on the Middle East taken at the 2010 NPT Review Conference laid the basis for a common platform bringing all States in the region together in strengthening the non-proliferation regime.

114. There was an unbreakable link between the creation of a zone free of weapons of mass destruction in the Middle East and enhancement of the security of all States in the region.

115. Mr DAVIES (United States of America) said that his delegation was disappointed that the Director General's report failed to address the issue of the compliance of certain regional parties with their safeguards agreements and the negative impact of those compliance issues on the hopes for a Middle East free of weapons of mass destruction. Also, the report made no reference to the paragraph of resolution GC(53)/RES/16 in which the General Conference called upon all States in the region "to fulfil in good faith international obligations and commitments relating to safeguards and to cooperate fully with the Agency".

116. A Middle East free of weapons of mass destruction, including nuclear weapons, and their means of delivery was an achievable goal, but not one that could be achieved quickly or without progress in other areas, including the achievement of a comprehensive peace in the region. As noted in the report, reaching a consensus among the regional parties on an agenda for the proposed forum on NWFZs would be a good start. Building confidence and a constructive atmosphere for a 2012 conference on the Middle East, as endorsed by the 2010 NPT Review Conference, would be another positive step.

117. The United States, which would like to see all parties returning to the consensus approach that had existed at previous sessions of the General Conference, looked forward to working with others in bringing about a consensus on Middle East issues at the forthcoming session and to building confidence in the possibility of approaching the relevant issues constructively by 2012.

118. Mr GONZÁLEZ (Cuba) said that the international community accorded high priority to the achievement of a solid and lasting peace in the Middle East. The elimination of military imbalances in the region, the application of comprehensive Agency safeguards in all States of the region and the establishment of an NWFZ there were essential prerequisites for the attainment of that goal.

119. Cuba welcomed the Director General's efforts to bring about the application of comprehensive safeguards throughout the Middle East and looked forward to new developments. For its part, the Secretariat should continue taking steps to bring about Israel's accession to the NPT. The fact that Israel was the only State in the region not party to the NPT undermined security there and confidence in nuclear non-proliferation.

120. His country welcomed the decision of the 2010 NPT Review Conference to convene, in 2012, a conference on the creation of a zone free of nuclear weapons and other weapons of mass destruction to be attended by all States in the Middle East. It hoped that the conference would produce positive results.

121. With regard to the proposed forum, Cuba would like the Director General to continue consulting with all States in the region with a view to the achievement of a consensus on its agenda and modalities.

122. For the establishment of an NWFZ in the Middle East, as demanded by the international community for decades, it was essential that Israel accede to the NPT as a non-nuclear-weapon State, submit all its nuclear facilities to Agency safeguards and comply with the nuclear non-proliferation regime in carrying out its nuclear activities. It was also essential that the United States Government refrain from transferring equipment, information, material, facilities and other resources of importance in the nuclear field to Israel and from providing it with scientific and technological assistance in that field. Only then would it be possible to establish an NWFZ in the Middle East — a vital contribution to peace and stability in the region and throughout the world.

123. Mr MINTY (South Africa) said that his country, a party to the NPT, attached great importance to the NPT's objectives — particularly the balance between nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy. It was a strong advocate of universalization of the NPT and had on several occasions called upon all States that were not parties to the NPT to accede to it and place all their nuclear facilities and material under comprehensive Agency safeguards. In various fora, it had expressed support for the establishment of an NWFZ in the Middle East and had called upon Israel to accede to the NPT and place all its nuclear facilities and material under comprehensive Agency safeguards as a contribution towards the establishment of an NWFZ in the Middle East and the achievement of peace and security in that volatile region.

124. South Africa, which greatly appreciated the Director General's efforts to convene a forum on the relevance of the experience of existing NWFZs, would like to see all States in the Middle East making every effort to bring about the early establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems.

125. The treaties establishing NWFZs were playing a key role in freeing the world of nuclear weapons and were an indispensable part of the non-proliferation regime. Although the nuclear-weapon States had a special role to play in eliminating their nuclear arsenals, nuclear disarmament was the concern of all States, and NWFZs were an important means of achieving that goal. In that context, South Africa welcomed the entry into force, in 2009, of the Pelindaba Treaty establishing an NWFZ in Africa.

126. The consensus decision of the 2010 NPT Review Conference concerning the resolution on the Middle East adopted in 1995 at the NPT Review and Extension Conference constituted an important step towards full implementation of that resolution after a 15-year period during which no progress had been made towards the establishment of an NWFZ in the Middle East.

127. South Africa welcomed the 2010 NPT Review Conference's endorsement of the follow-up actions aimed at achieving the objectives of the 1995 resolution, including those relating to the convening, in 2012, of a conference on the establishment of an NWFZ in the Middle East. It looked forward to cooperating in the preparations for that conference.

128. Mr YÁNEZ PILGRIM (Bolivarian Republic of Venezuela) said that his country, Article 129 of whose Constitution prohibited the manufacture and use of nuclear weapons, had participated in the establishment — under the Tlateloco Treaty — of the world's first NWFZ. Its goal in supporting

non-nuclear proliferation and nuclear disarmament initiatives was the total elimination of nuclear arsenals in all countries without distinction.

129. Israel was the only country in the Middle East that had not acceded to the NPT, and it had never stated its intention to do so. In Venezuela's view, it should, without further delay, accede to the NPT and submit all its nuclear facilities to the Agency's safeguards regime.

130. Venezuela would like the Director General to step up his efforts to bring about a consensus on the agenda and modalities of a forum on the experience of existing NWFZs, since it would constitute a constructive step towards the establishment of an NWFZ in the Middle East.

131. Mr ZNIBER (Morocco)* said that his country welcomed the outcome of the 2010 NPT Review Conference and particularly the call by the Conference on Israel, which was still the only non-party to the NPT in the Middle East, to accede to the NPT and place all its nuclear facilities under the Agency's comprehensive safeguards regime.

132. It also welcomed the action being taken to create an NWFZ in the Middle East and the decision to convene, to that end, a conference to be attended by all States in the Middle East, including Israel, in 2012.

133. The achievement of universal application of the NPT was the only way of building confidence in the Middle East, since Israel's continuing refusal to accede to the NPT and place its nuclear facilities under Agency comprehensive safeguards was a source of concern to the other States of the region. Morocco therefore considered the top priority to be Israel's accession to the NPT, and not various other steps identified by Israel, which was merely attempting to prevent the implementation of General Conference resolution GC(53)/RES/16.

134. The Director General was to be commended on his efforts to convene a forum at which participants from the Middle East could learn from the experience of other regions in establishing NWFZs, but Morocco regretted the fact that no progress had been made towards the convening of the forum. It hoped that the Director General would continue with his efforts.

135. Mr SOLTANIEH (Islamic Republic of Iran)* said that more than three decades had elapsed since Iran had, in 1974, first suggested the establishment of an NWFZ in the Middle East. The adoption by the United Nations General Assembly of resolutions on the establishment of an NWFZ in the Middle East without a vote since 1980 reflected the importance of the realization of that noble idea in a volatile region.

136. By placing its peaceful nuclear facilities under Agency safeguards, the Islamic Republic of Iran had demonstrated its resolve to bring about the establishment of an NWFZ in the Middle East and ultimately the total elimination of nuclear weapons worldwide.

137. Having ratified all major WMD-related treaties, Iran advocated the establishment of a zone free of weapons of mass destruction in the Middle East and would like to see all countries in the region intensifying their efforts to that end.

138. The fact that no progress had been made during more than 30 years towards the establishment of an NWFZ in the Middle East was due to the intransigent policy of the Zionist regime, which refused to accede to the NPT and, more importantly, to submit its unsafeguarded nuclear facilities to the Agency's verification system. The irresponsible behaviour of that regime raised serious doubts about the prospects for establishing such a zone in the near future.

139. The Zionist regime was currently the only non-party to the NPT in the Middle East. Despite repeated calls by the international community, such as the resolution on the Middle East adopted in

1995 by the NPT Review and Extension Conference and resolutions adopted by the United Nations General Assembly, the Agency's General Conference and the Organization of the Islamic Conference, that regime, confident of the political and military support of the United States of America, had not even declared its intention to accede to the NPT, and its clandestine nuclear activities seriously threatened regional peace and security and undermined the nuclear non-proliferation regime.

140. The atrocious attacks by the Israeli regime on the people of Gaza under absurd pretexts, during which it had used devastating weapons to kill civilians, including women and children, and had defied calls by the international community to halt the bloodshed, demonstrated the seriousness of the threat posed by such an irresponsible regime. Nuclear weapons in the hands of such a regime could endanger not only regional but also international peace and security.

141. As a result of the Security Council's imposed inability for several decades to address the issue of the Zionist regime's well-documented nuclear weapons programme, that regime had had the audacity to explicitly acknowledge its possession of nuclear weapons. The regime's clandestine development of nuclear weapons not only violated basic principles of international law, the United Nations Charter, the NPT and numerous General Assembly and Security Council resolutions, but also clearly ran counter to the demands and concerns of the overwhelming majority of United Nations Member States. Instead of adopting resolutions directed against Iran, which was a party to the NPT, the Security Council should have fulfilled its Charter-based responsibility and taken prompt and appropriate action to address a clear and serious threat to international peace and security. The Zionist regime was the only obstacle to the establishment of an NWFZ in the Middle East. Peace and stability were unattainable there as long as its massive nuclear arsenal constituted a threat in the region and beyond.

142. The NPT was the cornerstone of nuclear disarmament and nuclear non-proliferation, and universal adherence to it would effectively ensure the establishment of an NWFZ in the Middle East. Pending the establishment of an NWFZ there, all countries in the region should refrain from actions that ran counter to the letter and the spirit of the NPT and of other relevant international instruments.

143. The Director General had noted, with regard to item 19 — "Application of IAEA Safeguards in the Middle East" — of the provisional agenda for the forthcoming General Conference session, that there was an urgent need for all States in the Middle East to accept forthwith the application of full-scope Agency safeguards to all nuclear activities as an important confidence-building measure. Moreover, in its Final Document the 2010 NPT Review Conference had recalled the reaffirmation by the 2000 NPT Review Conference of the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive Agency safeguards.

144. The Islamic Republic of Iran firmly believed that an agreed plan of action and timetable for universal application of the NPT, especially in the Middle East, should be a top priority for all States parties to the NPT, especially the nuclear-weapon States. The Zionist regime should be pressured into eliminating its nuclear weapons, acceding to the NPT and placing all its nuclear facilities under Agency safeguards with a view to achievement of the long-sought goal of an NWFZ in the Middle East and peace and security worldwide.

145. Mr AZOULAY (Israel)* said that his country had supported the idea of convening a forum on experience of possible relevance to the creation of an NWFZ in the Middle East during an era of successive sessions at which the General Conferences had reached consensus on the Middle East 'package'. Regrettably, at the past few sessions a consensual outcome on the Middle East issue had been unattainable, despite the efforts of Israel and others. In resolution GC(53)/RES/17, entitled "Israeli nuclear capabilities", the General Conference had in 2009 singled out Israel and ignored the

real proliferation threats in the Middle East. That resolution had clearly been political and unrelated to the mandate of the Agency.

146. The uncooperative approach of neighbours of Israel at recent General Conference sessions had prevented meaningful discussion on regional security in the Middle East, including arms control measures. Israel held the Secretariat's professionalism in high esteem, but the General Conference had become increasingly politicized and misused by some Member States in the Middle East for their own short-sighted anti-Israel purposes. His country would therefore consider its approach regarding the proposed forum in the light of developments at the fifty-fourth regular session of the General Conference.

147. As regards certain comments made by the representatives of some Member States, including Egypt, accession to the NPT was not an end in itself — only a means to an end. In the short history of the NPT, there had been four cases of non-compliance with safeguards agreements with the Agency by countries clandestinely pursuing nuclear weapons under cover of their NPT membership. Two of those countries were still under investigation by the Agency.

148. One of the two countries under investigation had vowed to annihilate Israel at the first possible opportunity. Consequently, durable peaceful relations in the Middle East were a prerequisite for any arms control agreement.

149. Mr AL-SABBAGH (Syrian Arab Republic)* said that all Arab States had acceded to the NPT, had comprehensive safeguards agreements in force, and were striving in all international forums to bring about the establishment of an NWFZ in the Middle East as a first confidence-building step towards achieving peace and stability in that region. The only obstacle was Israel, which lacked the necessary political will and was continuing to pursue military hegemony in the region.

150. Against that background, it was essential that States parties to the NPT direct their efforts towards achieving the universal application of comprehensive Agency safeguards, rather than imposing restrictions on non-nuclear-weapon States that were abiding by their NPT obligations and had renounced nuclear weapons.

151. Syria held the Secretariat's technical expertise and the Agency as the sole international organization responsible for nuclear verification in high esteem. It was nevertheless concerned that the verification mechanisms were being applied only to horizontal proliferation — not to vertical proliferation, which was continuing unabated. Certain nuclear-weapon States were continuing to develop new nuclear weapons and maintaining large stocks of fissile material. Those nuclear-weapon States must end their support for Israel in international forums. At successive sessions of the General Conference, they had thwarted the efforts of the Member States in the Middle East concerned about Israel's unsafeguarded nuclear programme, which posed a threat to the environment, human health and peace and security.

152. His country would continue to push in all relevant international forums for the creation of an NWFZ in the Middle East, where peace and security were continuing to be threatened by the support of the United States of America for Israel's clandestine nuclear activities and by the application of double standards.

153. Mr CSERVENY (Assistant Director General, Office of External Affairs and Policy Coordination) said that the Secretariat would take Board members' comments into consideration when preparing the next report on the subject of "Application of IAEA safeguards in the Middle East".

154. Replying to a question asked by the Governor from Mongolia, he said that there was no organic relationship between the envisaged forum and the envisaged 2012 conference on the establishment of an NWFZ in the Middle East. However, should the forum take place and result in clarification of the

obligations associated with a future NWFZ in the Middle East, that could be an important contribution to the 2012 conference. Opinions on the convening of the forum still diverged and a final decision was pending.

155. The Governor from Egypt, referring to paragraph 8 of the Director General's report, had questioned the order in which Israel's views and what he had called "the mainstream views" were reflected. The report had been closely modelled on previous reports on the "Application of IAEA safeguards in the Middle East", where the two sets of views had been reflected in that order.

156. Also, the Governor from Egypt had expressed surprise at the omission of a reference, in the Director General's report, to the background documentation that the Agency was expected to prepare for the 2012 conference. There was no such reference in the report as the Agency had so far not been requested to prepare background documentation. The Board would be informed if the Agency was so requested.

157. Referring to paragraph 7 of the report, the Governor from Egypt had said that his country failed to see any connection between additional protocols and General Conference resolutions entitled "Application of IAEA safeguards in the Middle East". The sole purpose of paragraph 7 was to provide an update on the conclusion of safeguards agreements and additional protocols by States of the Middle East. Such information had been included in predecessor reports. The conclusion of such instruments had no tacit implications for the obligations associated with a future NWFZ in that region.

158. The Governor from Egypt had referred to the possible preparation by the Secretariat of a rolling text of a model NWFZ agreement for the Middle East. Given the lack of clarity regarding the obligations that States of the Middle East would assume under an NWFZ agreement, the Secretariat was currently not in a position to prepare such a rolling text. The only comprehensive relevant document that existed to date was one prepared in 1989 for the thirty-third regular session of the General Conference and entitled "Modalities of Application of Agency Safeguards in the Middle East" (GC(XXXIII)/887), which could be revisited.

159. The Governor from the United States of America had expressed disappointment that the report did not address the issue of the compliance of certain regional parties with their safeguards agreements. That issue had not been addressed in the report as compliance-related issues had — as in the past — been addressed in other documents.

160. The CHAIRMAN, summing up, said that support had been expressed for the Director General's efforts to carry out his mandate to implement the relevant General Conference resolutions and decisions. However, several members had expressed regret at the inadequate progress achieved on the implementation of those resolutions and decisions. They had welcomed the Director General's efforts to encourage the development and consideration of relevant new ideas and approaches that could help move his mandate forward.

161. A member had suggested that the preparation by the Agency of a rolling text of a model safeguards agreement, based on consultations with concerned parties and the Agency's experience in the application of safeguards in various regions, could form the basis for further consideration by the parties concerned and would be consistent with the mandate entrusted to the Director General, and had requested the Secretariat to commence working on such a model agreement.

162. Several members had expressed the view that the establishment of an NWFZ in the Middle East would contribute to global nuclear disarmament and had reiterated their support for the establishment of such a zone in accordance with the relevant United Nations General Assembly and Security Council resolutions. They had underlined that achieving universality of the Agency's comprehensive

safeguards in the Middle East region was the first necessary step towards the establishment of such a zone there, and they had encouraged all Member States to participate in achieving that objective.

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

164. A member had expressed disappointment that the Director General's report did not address the issue of certain regional parties' compliance with their safeguards agreements.

165. Several members had expressed the view that the continued application of double standards in addressing the nuclear threat in the Middle East, as well as the continuation of military imbalances in that region, were not acceptable and undermined the credibility of the nuclear non-proliferation regime.

166. Several members had regretted Israel's continued insistence that Agency safeguards could not be addressed in isolation from the regional peace process and had emphasized that there was no automatic sequence which linked the application of comprehensive safeguards for all nuclear activities to prior conclusion of a peace settlement in the Middle East.

167. A view had been expressed that the establishment of an NWFZ in the Middle East could not be achieved in isolation, but as an integral part of a comprehensive regional peace settlement.

168. Some members had emphasized the importance of confidence-building in addressing the challenges facing the Middle East in that regard and had encouraged all parties to return to the consensus approach that had existed in previous years in the General Conference.

169. Several members had welcomed the endorsement by the 2010 NPT Review Conference of the practical step to convene in 2012 a conference, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other WMDs. Some members had expressed the view that all efforts should focus on the objectives of the 2012 conference in a constructive spirit. A view had been expressed that the Director General's report should have referred to the background documentation that the Agency was expected to prepare for the 2012 conference.

170. The relevance of convening a forum on experiences relevant to the creation of an NWFZ in the Middle East, mandated by the General Conference at its forty-fourth regular session, had been highlighted.

171. Several members had stressed that, for the forum to be successful, its agenda should reflect the international consensus on the importance of establishing an NWFZ in the Middle East and had requested the Director General to continue consultations with Member States of the Middle East in that regard.

172. He assumed that the Board wished to take note of the Director General's report in document GOV/2010/48, which would also be before the General Conference pursuant to the request made of the Director General in resolution GC(53)/RES/16.

173. It was so decided.

(b) Israeli nuclear capabilities
(GOV/2010/49)

174. Mr FAWZY (Egypt), speaking on behalf of NAM, said that stability could not be achieved in a region where massive imbalances in military capabilities were maintained, particularly through the possession of nuclear weapons, which allowed one party to threaten its neighbours and the region as a whole.

175. NAM welcomed the fact that its member countries parties to the NPT were concluding comprehensive safeguards agreements with the Agency in fulfilment of their obligation under paragraph 1 of Article III of the NPT, as non-nuclear-weapon States. All of its member countries in the Middle East had concluded such agreements.

176. The establishment of an NWFZ in the Middle East would be a positive step towards attaining the objective of global nuclear disarmament, and NAM continued to advocate the establishment of such a zone in accordance with relevant General Assembly and Security Council resolutions.

177. A selective approach to the issue of nuclear capabilities in the Middle East was undermining the viability of the Agency's safeguards regime. Also, it had resulted in the continuing dangerous presence of unsafeguarded Israeli nuclear facilities and activities, notwithstanding the repeated calls on Israel to subject those facilities and activities to comprehensive safeguards of the Agency and the fact that all other States in the region had concluded comprehensive safeguards agreements with the Agency.

178. NAM was gravely concerned about the dire consequences for international security of: the acquisition of a nuclear capability by Israel, which posed a serious threat to the security of its neighbours and of other States; and the continuing provision to Israeli scientists of access to the nuclear facilities of one of the nuclear-weapon States.

179. All Member States should cooperate in reversing what was an unacceptable situation and achieving the universality of comprehensive Agency safeguards in the Middle East region. Implementing resolution GC(53)/RES/17, entitled "Israeli nuclear capabilities", was a first step towards that end. Accordingly, NAM had looked forward to the Director General's strong involvement in the implementation of that resolution, expecting comprehensive reporting by the Director General to the Board, and subsequently to the General Conference, that would reflect the views of Member States, and: (a) disclose all information available to the Secretariat and Member States on the nature and scope of the Israeli nuclear facilities and activities that would be covered by any comprehensive safeguards agreement concluded with Israel, including information pertaining to previous nuclear transfers to Israel; and (b) outline how the Agency viewed the way forward, identifying all necessary measures to be undertaken by the parties concerned.

180. NAM had been fully committed to cooperating with the Director General and supporting his efforts in implementing resolution GC(53)/RES/17, and it had expected all other Member States to be equally committed.

181. It was regrettable that, almost a year since the adoption of resolution GC(53)/RES/17, the Secretariat was not in a position to provide the Board and the General Conference with a list of all the nuclear facilities that could be subject to safeguards pursuant to a comprehensive safeguards agreement in the event that Israel concluded such an agreement with the Agency. The Secretariat should provide further clarification regarding its efforts, if any, to seek information for inclusion in such a list from Member States and the responses it had received from Member States.

182. It was regrettable that the Secretariat was also not in a position to provide information that could be relevant to Israel's nuclear capabilities beyond what was included in section C of the Director General's report and in the Director General's annual SIRs. The Secretariat should provide further

clarification regarding its efforts, if any, to seek such information from Member States and the responses it had received from Member States.

183. It was disappointing that the report of the Director General did not address NAM's formal requests that he outline how the Agency viewed the way forward, and that the report therefore fell well short of addressing the deep concerns expressed by more than two thirds of the membership of the Agency. NAM was now requesting the Director General to issue an addendum to his report that fully addressed its concerns.

184. NAM regretted Israel's continued insistence that the issue of Agency safeguards could not be addressed in isolation from the regional peace process; there was no automatic sequence which linked the application of comprehensive safeguards to all nuclear activities in the Middle East to the prior conclusion of a peace settlement — the former would contribute to the latter.

185. It was a matter of great concern to NAM that the official records of the 2009 session of the General Conference and the letter from Israel's Deputy Prime Minister and Minister of Foreign Affairs attached to the Director General's report indicated an apparent determination on the part of Israel not to cooperate in any way in the implementation of resolution GC(53)/RES/17. In that connection, NAM continued to want a complete prohibition of the transfer of all nuclear-related equipment, information, material, facilities, resources and devices and of the provision of assistance in the nuclear-related scientific and technological fields to Israel.

186. In his letter attached to the Director General's report, Israel's Deputy Prime Minister and Minister of Foreign Affairs stated that Israel valued the non-proliferation regime, acknowledged its importance and had over the years demonstrated a responsible policy of restraint in the nuclear domain. Regrettably, official documents of the Agency were testimony to the contrary. For example, in various resolutions regarding South Africa's nuclear capabilities adopted by it prior to 1994, the General Conference had recalled General Assembly resolutions dealing with relations between Israel and South Africa in which the General Assembly had, inter alia, strongly condemned the extensive collaboration between Israel and the then racist regime of South Africa, especially in the military and nuclear fields, in defiance of General Assembly and Security Council resolutions.

187. Ms DE CARTIER (Belgium)*, speaking on behalf of the European Union (EU), said that the candidate countries Croatia, the Former Yugoslav Republic of Macedonia and Iceland, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Montenegro, the EFTA country Norway, member of the European Economic Area, and Ukraine and the Republic of Moldova associated themselves with the statement that she was about to make.

188. The EU continued to advocate the establishment of a zone free of WMDs and their means of delivery in the Middle East. However, it also continued to be of the view that persisting with a non-consensual approach, singling out one country (as manifested in General Conference resolution GC(53)RES/17, entitled "Israeli nuclear capabilities"), would not be conducive to a good atmosphere in the General Conference and would only reduce the ability of the Agency and its Member States to contribute to the establishment of such a zone.

189. The EU consistently advocated universality of all multilateral nuclear, chemical and biological non-proliferation and disarmament agreements. Furthermore, it had urged States parties to the NPT to comply fully with all its provisions and with all relevant resolutions of the Security Council, the General Conference and the Board of Governors. Also, the EU had repeatedly called upon all States in the Middle East to accept comprehensive safeguards and conclude additional protocols, being convinced that such actions would make a crucial contribution to an overall improvement of the security situation and to confidence in the Middle East.

190. The EU welcomed the decision taken at the 2010 NPT Review conference to convene in 2012 a conference on the establishment of a zone free of nuclear weapons and all other WMDs in the Middle East. Now consideration should be given to the ways in which all Member States and the Secretariat could contribute to implementation of the understandings reached at the 2010 NPT Review Conference, with the focus on avoiding anything that might jeopardize the progress already made. The EU therefore hoped that the Arab Member States of the Agency would refrain from submitting a draft resolution entitled “Israeli nuclear capabilities” at the forthcoming session of the General Conference.

191. All Member States should focus on the objectives of the 2012 conference in a constructive spirit at the forthcoming General Conference session and beyond. For its part, the EU had started consultations with a view to the organization of the seminar referred to in the Final Document of the 2010 NPT Review Conference.

192. The report of the Director General responded to the mandate set out in resolution GC(53)/RES/17 in an impartial and professional manner. Therefore, in the interest of preserving the independence of the Secretariat, the EU was opposed to the requested issuing of an addendum to that report.

The meeting rose at 1 p.m.