

IAEA Board of Governors

Record of the 1283rd Meeting
GOV/OR.1283

Israeli nuclear capabilities

Any other business

Board of Governors

GOV/OR.1283

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Record of the 1283rd 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 BARRETT	Canada
Mr HU Xiaodi	China
Ms GOICOCHEA ESTENOZ	Cuba
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 OSMAN	Malaysia
Mr ENKHSAIKHAN	Mongolia
Ms VAN DEELEN	Netherlands
Ms MACMILLAN	New Zealand
Mr PARVEZ	Pakistan
Mr GARCÍA REVILLA	Peru
Mr NECULĂESCU	Romania
Mr BERDENNIKOV	Russian Federation
Mr MINTY	South Africa
Mr MARTÍNEZ-CARO	Spain
Mr PRAZ	Switzerland
Mr BAYER	} Turkey
Mr KERİMOĞLU	
Mr PAVLYSHYN	
Mr SMITH	Ukraine
Mr DAVIES	United Kingdom of Great Britain and Northern Ireland
Mr VEDOVATTI RAFFO	United States of America
Mr UZCÁTEGUI DUQUE	Uruguay
	Venezuela, Bolivarian Republic of
Mr AMANO	Director General
Mr CSERVENY	Assistant Director General, 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, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, Estonia, Ethiopia, Finland, Greece, Guatemala, Hungary, Iceland, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Israel, Italy, Jordan, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Morocco, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Philippines, Qatar, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United Republic of Tanzania, Vietnam, Yemen, Zimbabwe.

Abbreviations used in this record:

GRULAC	Latin American and Caribbean Group
LEU	low-enriched uranium
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NPT Review Conference	Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	nuclear-weapon-free zone
Pelindaba Treaty	African Nuclear-Weapon-Free Zone Treaty
SIR	Safeguards Implementation Report
WMD	weapons of mass destruction

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

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

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

1. Mr DIALLO (Burkina Faso), speaking on behalf of the African Group, expressed full support for all efforts aimed at strengthening the Agency's contribution to regional and international peace and security, particularly through the application of comprehensive safeguards.
2. The Pelindaba Treaty, which had entered into force on 15 July 2009, recognized that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States party to the African NWFZ. Accordingly, the establishment of a NWFZ in the Middle East was of special interest to the African Group.
3. The Group remained concerned by the grave consequences, endangering peace and security, of the presence in the Middle East of unsafeguarded nuclear activities. In that regard, the effective and efficient application of Agency safeguards in the Middle East promoted greater confidence among States in the region, and achieving universality of the Agency's comprehensive safeguards in the region would be the first practical step towards that end and a necessary step towards the establishment of a NFWZ.
4. The Group welcomed the decision of the 2010 NPT Review Conference, regarding the implementation of the 1995 Resolution on the Middle East, to hold a conference in 2012 on creating a NFWZ in that region. It requested the Director General to expedite the implementation of the tasks assigned to the Agency in that regard in a timely manner.
5. The African Group regretted Israel's continued insistence that Agency safeguards could not be addressed in isolation from the regional peace process. It emphasized that there was no automatic sequence linking the application of comprehensive safeguards to all nuclear activities in the Middle East, or the establishment of a NFWZ, to the prior conclusion of a peace settlement. In fact, the former would contribute to the latter.
6. The Group also regretted that, almost a year after the adoption by the General Conference of resolution GC(53)/RES/17, the report contained in document GOV/2010/49 did not outline how the Agency viewed the way forward. Accordingly, it requested the Director General to issue an addendum to his report fully addressing the African Group's concerns.
7. The African Group reiterated its support for the Director General's efforts and requested him to continue to work towards full implementation of the provisions of the aforementioned resolution and other international resolutions calling on Israel to accede to the NPT and to subject its nuclear activities to full-scope Agency safeguards. The African Group called on Israel to comply with resolution GC(53)/RES/17 and urged all Member States to extend their full cooperation to the Director General's efforts in that regard.
8. Mr EL AMIN (Sudan)*, speaking on behalf of the Arab Group, said that, while all Arab States had acceded to the NPT and expressed their readiness to take practical steps towards the creation of a NWFZ in the Middle East, Israel persisted in defying the international community through its continuous refusal to accede to the NPT and place all its nuclear facilities under Agency

comprehensive safeguards. It also continued to reject all international initiatives in that regard, thereby hampering the creation of a NWFZ in the Middle East and jeopardizing the security of the region.

9. He expressed the Group's dissatisfaction with the form and content of the Director General's report, which failed to analyse all the aspects as required pursuant to resolution GC(53)/RES/17.

10. Given that the Secretariat had had almost a year since the adoption of that resolution to finalize the report, the lack of any substance in the document was disappointing, and it was not up to the standard expected of Agency reports. The report was not in consonance with the text of resolution GC(53)/RES/17, nor was it worthy of the role entrusted to the Director General under that resolution. The Arab Group therefore requested the Director General to specify the measures taken in preparing the report.

11. The report failed to mention Israel's repeated refusal to cooperate with the Agency in implementing the resolution, as stated in the letter to the Director General from the Israeli Deputy Prime Minister and Minister of Foreign Affairs contained in Annex 2 thereto and especially in the statement made by the representative of Israel immediately following the adoption of resolution GC(53)/RES/17.²

12. The report gave no assessment of the current situation regarding Israeli nuclear capabilities, especially military, in respect of which the Secretariat had not sought information from Member States, Agency archives or open sources, as had been the case in previous reports by the Director General. The report contained no analysis of Member States' positions as set forth in their letters to the Director General or through the consultations held with a number of Member State representatives. The Director General had drawn no conclusion setting forth the Agency's vision regarding Israel's nuclear capabilities. The Arab Group asked the Director General to give the reasons why the analytical approach taken in reports on other issues had not been followed.

13. The report did not explicitly call on Israel to accede to the NPT and place all its nuclear facilities under Agency comprehensive safeguards and the Director General had only "invited Israel to consider to accede to the Treaty", despite the mandate given to him under the resolution to work with the States concerned towards achieving that end. The Arab Group asked the Secretariat to explain the reasons why Israel had not been urged explicitly in the report to accede to the NPT. He underlined that the manner in which resolution GC(53)/RES/17 had been implemented through the report clearly demonstrated the application of double standards.

14. In light of the foregoing, the Arab Group looked forward to the Secretariat's responses to its questions. Also, it requested that an addendum to the report be issued addressing the omissions, thus ensuring continued impartiality in the Agency's work.

15. With regard to some of the Member States' replies that were annexed to the report, he expressed regret that some major States, including nuclear-weapon States, that had always defended the principle of the universality of the NPT, had turned a blind eye to that principle in the case of Israel. That contributed to hampering the application of resolution GC(53)/RES/17 and confirmed the use of double standards.

16. The Arab Group expressed concern at recent media reports on Israel's previous readiness to supply another State with nuclear weapons, confirming that Israel had no compunction about undermining international efforts towards nuclear non-proliferation and proving that it did not

² See document GC(53)/OR.10 para. 90.

shoulder its responsibilities towards the non-proliferation regime or have any regard for international resolutions and the Agency's Statute.

17. In view of the above, the Arab Group requested that the item remain on the agendas of the Board and the General Conference. The Arab Group would table a draft resolution entitled "Israeli nuclear capabilities" to the forthcoming session of the General Conference, and he called on Member States to support it, in keeping with the principle of the universality of the NPT, with a view to ridding the Middle East of nuclear weapons and maintaining stability, peace and security in the region.

18. Mr HU Xiaodi (China) said that his country had always supported the strengthening of the international non-proliferation regime and been committed to the universality, effectiveness and authority of the NPT. It supported the establishment of a NWFZ in the Middle East and advocated that Israel should accede to the NPT at an early date, as a non-nuclear-weapon State, and place all its nuclear facilities under Agency comprehensive safeguards. At the same time, all States in that region should earnestly fulfil their obligations under the NPT and should sign and ratify Agency comprehensive safeguards agreements and additional protocols.

19. Expressing support for the Director General's efforts to achieve the objectives set out in relevant resolutions of the General Conference, he said China would continue to support the work of the Director General and the Secretariat in that regard.

20. China welcomed the decision of the 2010 NPT Review Conference to hold a conference in 2012 on the establishment of a zone free of nuclear weapons and other WMD in the Middle East and expressed the hope that the parties concerned would make joint efforts to facilitate positive results. The Director General and the Agency should play their due roles to that end. For its part, China would continue to work with the international community to contribute to establishing a NFWZ in the Middle East and for peace and security in that region.

21. Mr DAVIES (United States of America) expressed his country's continuing regret that the issue under discussion had been brought before the Board. Unlike other Member States whose programmes appeared on the Board's agenda, Israel had broken no agreements under the purview of the Agency, which the Director General had made clear in his report.

22. While the United States remained firmly committed to NPT universality and achieving a Middle East free of all WMD and their means of delivery, it felt that singling out Israel for censure was inappropriate and counterproductive to those goals. Repeatedly raising the issue could serve only to further politicize the Agency and undermine prospects for a successful conference in 2012 on a Middle East free of WMD, as had been called for by the 2010 NPT Review Conference.

23. The United States was concerned that the agenda item under discussion remained a distraction from other pressing issues before the Board, foremost among which was the case of the Islamic Republic of Iran, which stood in violation of not only its NPT and Agency safeguards obligations but also resolutions of the Board and the Security Council. Iran represented the greatest proliferation threat in the Middle East and the most serious impediment to the integrity of Agency safeguards. The Director General's latest report on that matter documented Iran's defiance and its continuing refusal to cooperate fully with the Agency.

24. The Board must also maintain its focus on the Syrian Arab Republic, which had been blocking the Agency's investigation of the Dair Alzour site for over two years. Since safeguards inspectors had first discovered undeclared chemically processed uranium there in June 2008, Syria's refusal to cooperate served only to deepen concern about the facility's intended purpose.

25. There was no basis for the Board to take any action on Israel. Furthermore, a continuing and inappropriate focus on singling out Israel would not be helpful in approaching Middle East issues

constructively, nor would it be conducive to a successful conference in 2012, particularly at a time when the world had renewed hopes for Middle East peace and there was potential for progress building on the 2010 NPT Review Conference.

26. Mr POTTS (Australia) said that universal membership of and complete compliance with the NPT were key steps towards the goal of a nuclear-weapon-free world. His country had consistently called on all countries not party to the NPT to accede to it.

27. Full compliance with non-proliferation obligations by all States in the Middle East was critical to building mutual confidence and security in the region. Consistent with its commitment to nuclear non-proliferation and disarmament, Australia had long supported the establishment of a zone in the Middle East free of nuclear weapons and other WMD.

28. Welcoming the outcome of the 2010 NPT Review Conference, including the commitment to hold a conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and other WMD, he underlined the importance of building on the positive momentum created by that Review Conference and focusing on implementing its agreed outcomes. His delegation would not support any action by the Board which undermined those objectives.

29. Ms OSMAN (Malaysia), recalling her country's strong advocacy for the adoption of resolution GC(53)/RES/17, stressed that all resolutions adopted, particularly by the General Conference, must be fully implemented.

30. Malaysia regretted that, although the Director General had submitted the requested report, contained in document GOV/2010/49, it did not contain substantive information on Israel's nuclear capabilities.

31. Her country was a strong advocate for the creation of a NWFZ in the Middle East. The international community should not turn a blind eye to Israel, which had acknowledged possessing nuclear weapons capabilities, thereby creating much anxiety and insecurity, especially among States in the region. The creation of a NWFZ in the Middle East was a matter of the utmost urgency. The outcome of the 2010 NPT Review Conference gave hope for possible progress towards achieving that goal.

32. Ms MACMILLAN (New Zealand), reaffirming her country's commitment to the universality of the NPT, called on all States that had yet to do so to join the NPT immediately as non-nuclear-weapon States. At the same time, existing States Party to the NPT should fulfil all their commitments under the Treaty, including those verified by the Agency.

33. New Zealand had opposed the adoption of resolution GC(53)/RES/17 because it singled out Israel, a non-NPT member, while ignoring serious concerns about non-compliance by NPT States Party in the Middle East. It was her delegation's understanding that all the major elements of that resolution had been covered in a balanced manner in resolution GC(53)/RES/16, entitled "Application of IAEA safeguards in the Middle East".

34. New Zealand continued to view resolution GC(53)/RES/17 as divisive and limited in its ability to contribute to the breakthrough being sought in the region. Her delegation supported efforts to establish a zone free of all WMD in the Middle East and, in that context, welcomed the outcome of the 2010 NPT Review Conference, including its reaffirmation of the 1995 Middle East Resolution and its agreement to convene a conference in 2012 to discuss its implementation.

35. The outcome of that Review Conference was a significant achievement, the potential of which must be maximized in order to contribute to future success. Her delegation remained concerned that

the non-consensual resolution GC(53)/RES/17 would undermine that process and hamper the Agency's ability to plan a constructive role in moving the issue forward.

36. Mr KERİMOĞLU (Turkey) expressed appreciation for the Director General's efforts to implement resolution GC(53)/RES/17, including his useful visit to Israel in August 2010. His report emphasized that, in view of the lack of a comprehensive safeguards agreement in force with Israel, the Agency's verification activities and Israel's declarations to the Agency were limited to material, equipment and facilities specified in its safeguards undertakings in the context of its INFCIRC/66-type safeguards agreement of 1975, concluded between the Agency, Israel and the United States, which had been supplemented by a protocol in 1977. He took particular note of the fact that the Secretariat was not in a position to provide a list of all nuclear facilities which could be subject to safeguards in the event that Israel concluded a comprehensive safeguards agreement with the Agency.

37. In that context, and in accordance with the relevant decisions of the fifty-third General Conference and the 2010 NPT Review Conference, his delegation underlined the importance of Israel's accession to the NPT and placement of all its nuclear facilities under Agency comprehensive safeguards.

38. Emphasizing the significance that Turkey attached to all issues related to the proliferation of WMD, and universal adherence to full and effective implementation of the NPT in particular, he said that the possession of nuclear weapons and other WMD did not provide additional security to any country in the current era. On the contrary, it fuelled mutual distrust and undermined regional security and stability. Turkey therefore attached great importance to, and endorsed all meaningful steps calling for, the establishment of zones free of WMD, particularly in the Middle East. Turkey hoped that the decisions of the recent Review Conference to hold a conference in 2012 on that subject and to appoint a facilitator to support implementation of the 1995 Middle East Resolution would be followed up without delay.

39. Despite the lack of progress for many years in the application of full-scope Agency safeguards to all nuclear activities in the Middle East and in the establishment of a mutually and effectively verifiable NWFZ in the region, efforts should continue to achieve those ends. While the objective of achieving a lasting comprehensive settlement in the region as soon as possible was desirable, there was no automatic sequence linking the aforementioned targets to the prior conclusion of a political settlement. They were mutually reinforcing objectives that could be pursued simultaneously.

40. The active involvement of the Agency was pivotal in the establishment of a NWFZ in the Middle East. Turkey, in line with its commitment to a nuclear-weapon-free world, would continue to stand ready to assist the Director General and the Secretariat in achieving that goal.

41. Ms GOICOCHEA ESTENOZ (Cuba) said that Israel's nuclear capabilities represented a serious threat to international peace and security. As such, and in view of the Agency's international responsibilities to verify that nuclear energy was used for peaceful purposes, that important issue should remain on the agenda of both the Board and the General Conference.

42. Cuba acknowledged the steps taken by the Director General to fulfil the mandate given to him under resolution GC(53)/RES/17, including his recent visit to Israel, and encouraged him to continue his work with a view to achieving the resolution's objectives. She expressed the hope that his visit had helped to raise political awareness in Israel of the need to accede to the NPT and to place all its nuclear facilities under Agency comprehensive safeguards.

43. The main body of the Director General's report should have been more substantive. It should have referred to the relevant Security Council resolutions mentioned in resolution GC(53)/RES/17

and, also, it should have drawn attention to Israel's refusal to cooperate with the Agency in the implementation of that resolution, as set forth in Israel's reply to the Director General's letter.

44. She expressed concern that Israel was the only country in the Middle East that had neither acceded to the NPT nor stated its intention of doing so. Israel's position constituted a serious threat to the stability of the region and the main obstacle to the establishment of a NWFZ in the Middle East. Israel should be called upon to accede to the NPT without delay and immediately place all its nuclear facilities under Agency comprehensive safeguards. The transfer of any nuclear equipment, information, material, facilities and resources to Israel, along with scientific and technological assistance in the nuclear field, should cease forthwith. Furthermore, the governments involved should immediately withdraw their assistance from Israel until it acceded to the NPT.

45. Israel's disregard for the decisions of the international community on its nuclear programme was a cause for concern. Her delegation urged Israel to comply with the provisions of Security Council resolution 487 (1981) and the decisions of the 2010 NPT Review Conference. There could be no lasting solution to the Middle East issue without the active commitment of Israel to the establishment of a NWFZ in the region. Cuba supported all actions towards that end.

46. Referring to statements made by the representative of Israel under other items on the Board's agenda, she said that it was unacceptable that the only Member State in the Middle East region that was not party to the NPT and which posed a serious threat to peace and security should take it upon itself to criticize other Member States. Israel's statements supplied little information and posed a challenge to those States that had signed the NPT and wished to see peace. It was a clear example of a philosophy that was dangerous and unacceptable in the world of international politics.

47. Also, she expressed concern at the unacceptable opposition from some delegations to calls by NAM and the African Group for the Secretariat to publish an addendum to the Director General's report on Israeli nuclear capabilities. Such a stance violated the rights of Member States and sought to impose political agendas that reduced the transparency of the Agency's information processes. While it was clear that any such decision must be agreed upon, members were not at liberty to veto the suggestions of others. She recommended that the issue be examined in detail, taking into account the various legal documents governing the functioning of the Board.

48. Some members had expressed opposition, under the current agenda item, to resolutions that singled out Member States. Others had tried to deflect attention from Israel to other items on the Board's agenda. Such statements, attempting to skirt the issue of Israel and the danger it posed, were incongruent with the positions adopted by those same delegations under other agenda items that dealt with individual countries. Moreover they did disservice to those members of the international community that were genuinely committed to international peace, non-proliferation and the total elimination of nuclear weapons.

49. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) expressed his country's firm support for the NPT's fundamental pillars and for the Arab countries' aspiration to establish a NWFZ in the Middle East at the earliest opportunity in accordance with the relevant resolutions of the General Assembly and Security Council. The Middle East was already a volatile region. Israel's longstanding nuclear programme and its admitted nuclear weapons aspirations had served only to aggravate the region's problems. As the only country in the region not to have acceded to the NPT, Israel should renounce the possession of nuclear weapons, adhere to the NPT without delay and place its nuclear facilities under Agency safeguards. Furthermore, there should be a total and complete prohibition of the transfer of all nuclear related equipment, information, material and facilities, resources or devices, and of the extension of assistance in nuclear related science and technology fields to Israel.

50. Israel's nuclear capability posed a major threat to international peace and security and merited the Board's attention. Also, the fact that Israel had not joined the NPT impeded efforts by the international community to preserve peace and security in the Middle East. For those reasons, the General Conference had approved resolution GC(53)/RES/17 calling upon Israel to accede to the NPT and place all its nuclear facilities under comprehensive Agency safeguards and urging the Director General to work with Member States towards achieving that end.

51. The report under discussion was not what Venezuela had hoped for. While valuing the inclusion of Member States' opinions on the matter, it would have liked to see a more proactive approach. His delegation regretted that the Secretariat had not been able to provide a list of all the nuclear facilities that could be subject to safeguards under a comprehensive safeguards agreement, or any substantial additional information.

52. Venezuela agreed with what the Director General had said in his introductory statement³, namely that the decision of the 2010 NPT Review Conference to convene a conference in 2012 on the establishment of a NWFZ in the Middle East would be a useful opportunity to achieve concrete results. It was important to join forces to ensure that those results became a reality in which the Agency had a fundamental role to play.

53. Venezuela urged the Director General to continue working towards implementation of resolution GC(53)/RES/17 and supported the request to the Director General to issue an addendum to his report addressing the concerns expressed by NAM.

54. Mr NAKANE (Japan) expressed appreciation for the Director General's efforts to address the issues of the application of Agency safeguards in the Middle East and Israeli nuclear capabilities. He reiterated Japan's strong commitment to the universality of the NPT.

55. The final document of the 2010 NPT Review Conference had endorsed the conference to be held in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other WMD and had requested the Agency, among others, to prepare background documentation for that conference. Japan supported the Agency's active role in that regard.

56. The Japanese State Secretary for Foreign Affairs had visited Israel, the Palestinian territory, Jordan and Egypt earlier that year and had exchanged views on Middle East peace efforts. Japan would continue to contribute actively to achieving peace in the Middle East.

57. Mr BERDENNIKOV (Russian Federation) expressed his country's hope that the Director General's report, setting forth the views of many Member States and groups of States, would provide a sufficiently full picture of the various approaches to the Israeli nuclear issue to allow a consensus to be reached at the forthcoming General Conference.

58. Russia supported universalization of the NPT, strengthening of the non-proliferation regime, the application of comprehensive safeguards agreements and additional protocols in all States of the Middle East, and also the establishment of a zone free of WMD in that region.

59. Mr FAWZY (Egypt), speaking on behalf of NAM, recalled his request earlier in the day for the Director General to issue an addendum to his report that fully addressed NAM's concerns in relation to the issue of Israeli nuclear capabilities. NAM did not question anyone's right to determine the extent to which the reports presented to the Board did or did not meet their expectations; others should abstain from questioning NAM's right to do so. A statement delivered subsequently, expressing opposition to such an addendum, had clearly implied that NAM's request undermined the Secretariat's

³ See document GOV/OR.1276 para. 30.

independence. That implication was baseless. A request for the Director General's reports to address all issues of interest to members, in the manner that he deemed appropriate, could not be construed as an infringement upon the Secretariat's independence.

60. Mr BARRETT (Canada) noted that paragraphs 10–11 of the report stated that the Secretariat was not in a position to provide information beyond what was included in the report itself and the annual SIR. His delegation felt strongly that members should trust that the Director General and the Secretariat understood their mandate on that and other issues, including the scope of the Agency's investigations into the situations in the Islamic Republic of Iran and the Syrian Arab Republic. His delegation therefore saw no need for an addendum to the report.

61. Mr AIT SLIMANE (Morocco)* took positive note of the reference in the report to the Director General's visit to Israel, and the fact that he had called on Israel to accede to the NPT and place all its nuclear facilities under Agency comprehensive safeguards. On the other hand, the report made no explicit reference to Israel's continued refusal to cooperate with the Agency in implementing resolution GC(53)/RES/17.

62. Morocco believed that universalization of the NPT would help in solving the problem of Israeli nuclear capabilities. It would also reduce tension in the region and have a positive impact on international peace and security. The establishment of a NWFZ in the Middle East would help to address proliferation risks and achieve mutual security for all States in the region.

63. Morocco hoped that the Agency would continue to work with all the parties concerned, in particular the nuclear powers, on the matter of Israel, which had proceeded unilaterally with its nuclear programme in not declaring its nuclear capabilities or placing its facilities under international control.

64. The Agency was the most effective and appropriate forum for solving the issue, especially through constructive dialogue with the States of the region, thereby contributing to achieving a NWFZ in the Middle East. The conference to be held in 2012 could be a starting point for realization of that goal.

65. Mr ELMESALLATI (Libyan Arab Jamahiriya)* said that the Director General's report fell short of his country's expectations as it did not add any substantive new information, it did not analyse the information from various sources and was based on double standards. Moreover, it did not mention the presence of Israeli nuclear facilities that were not under comprehensive Agency safeguards and thus posed a real threat to the security and stability of the Middle East. Libya believed that Israel had no intention of cooperating with the Agency or declaring its nuclear facilities so that they might be placed under Agency control.

66. The report failed to mention the results of the Director General's consultations with Member States, any Agency vision regarding Israeli nuclear capabilities or the extent to which Israel had cooperated with the Director General during his visit.

67. Libya was disappointed that the Director General had not developed a comprehensive programme on the practical steps for implementation of resolution GC(53)/RES/17, especially in light of the Israeli delegate's statement at the fifty-third session of the General Conference that Israel would not cooperate with the resolution. That was in flagrant defiance of international and Agency resolutions and it was regrettable that it had not been mentioned in the report.

68. The resolution reflected the extent of the concerns of the international community and of the States of the region regarding the presence of Israeli nuclear capabilities that were not under Agency safeguards. Libya called on the international community, especially States party to the NPT, and the Secretariat to bring pressure to bear on Israel to accede to the NPT and grant Agency inspectors full access to all its nuclear facilities without delay. Libya underlined the importance of implementing the

resolution and warned against any attempt to thwart it, thus enabling Israel to remain outside the NPT. Continued development of its military nuclear programme would have dire consequences for the region in particular, and the world in general.

69. Libya was deeply disappointed that some States, particularly nuclear-weapon States — which had greater responsibility for achieving universalization of the NPT as a prelude to nuclear disarmament — had defended Israel and totally disregarded the fact that its possession of military nuclear capabilities threatened international peace and security. A policy of double standards would not bring about peace and security in the region; rather it would escalate the arms race and tensions there.

70. Libya endorsed the request made by Sudan on behalf of the Arab Group for an addendum to the report to address the many omissions and the questions that had been raised.

71. In conclusion, he requested that the item remain on the agendas of the Board and General Conference until resolution GC(53)/RES/17 was implemented.

72. Mr SOLTANIEH (Islamic Republic of Iran)* said that the adoption of resolution GC(53)/RES/17 and the reappearance of the issue on the Board's agenda testified to the seriousness of the international community's concerns in that regard. Since 1982, the Agency had passed several resolutions and taken decisions condemning Israel and demanding that it accede to the NPT and place all its nuclear facilities under full-scope Agency safeguards. Regrettably, owing to objections by its allies, particularly the United States of America and some European countries who supported it at any price, Israel had totally ignored the legitimate concerns of the international community. Such a violation not only jeopardized global security but also inflicted serious damage on the Agency, undermining its verification mechanism.

73. The final document of the 2010 NPT Review Conference recalled the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive Agency safeguards. Also, it reaffirmed the urgency and importance of achieving universality of the NPT and called on all States in the Middle East that had not yet done so to accede to the NPT as non-nuclear-weapon States so as to achieve its universality at an early date. If those objectives were not achieved and Israel continued to be exempted from international rules and regulations, the spectre of insecurity and instability would remain in the Middle East. That concern was further amplified by the continued cooperation of certain nuclear-weapon States with Israel even though, in accordance with the Articles I, II and III of the NPT, States Parties should not give assistance in nuclear related fields to any States not party to the NPT in a manner that would assist them in manufacturing nuclear weapons or explosive devices.

74. Iran was deeply concerned over the potentially serious negative security implications for the region and the global non-proliferation regime of Israeli scientists being provided access to the nuclear facilities of nuclear-weapon States. Bearing in mind that the country had been created illegally through the occupation of Palestine, the massacre of thousands of innocent Palestinians, and aggression against other countries in the region, Israel's nuclear weapon capabilities would undoubtedly increase the potential threat to peace and security in the Middle East and the world at large. The international community should not tolerate the status quo.

75. Technical evaluation, usually a feature of Agency reports, was unfortunately lacking in the report contained in document GOV/2010/49, leading the reader to assume that the Secretariat was satisfied with the level and quality of its cooperation with Israel. The Director General, in response to pressures, had provided a short and biased report. Iran urged him to report fully and faithfully his assessment of the Israeli nuclear capabilities and the direct and indirect threat they posed to the NPT and to peace and security in the Middle East.

76. It was deeply regrettable that there were letters from certain countries in Annex 2 to the report declaring that their governments had consistently opposed resolutions against Israel on substantive and procedural grounds. Comparison with the positions taken on the implementation of safeguards in Iran clearly showed that double standards were being applied.

77. Iran had experienced at first hand the effects of WMD when chemical weapons provided to Iraq by western countries had killed over 100 000 innocent Iranians. The Director General, referring to the comparable tragic events of the nuclear bombings in Hiroshima and Nagasaki, had said he was driven not by pressure from the outside world but by his own conscience. If that were the case, then the Director General should take a serious and non-selective approach to reporting on the concerns raised in resolution GC(53)/RES/17. Yet, he had not reported on the Israeli violations which had led to the suspension of its Agency rights and privileges, and he had not dealt with the statement made by a former Prime Minister of Israel regarding the country's possession of nuclear weapons and the denial thereof by its representative to the Agency, prompting a request by Iran and other countries for the Agency to dispatch a fact-finding mission to Israel. Iran asked the Director General to respond to the request for such a mission, the cost of which Iran was prepared to bear. He wondered why the Director General had reported positively on Israel, rather than condemning it or mentioning the negative impact of that country's actions on the NPT, the safeguards regime and the peace and security of the Middle East.

78. Israel's aggressive practices and its complete disregard for international regulations knew no bounds. It made incessant efforts to possess nuclear weapons, it refused adamantly to become party to the NPT, it rejected Agency inspections of its nuclear facilities and was unwilling to accept the Middle East as a NWFZ. Its clandestine development of nuclear weapons not only violated the basic principles of international law, the United Nations Charter and the NPT, but also clearly defied the demands of the overwhelming majority of members of the United Nations and the Agency, which had repeatedly called on Israel to renounce nuclear weapons and accede to the NPT. The unanimous call of all parties to the NPT during the 2010 NPT Review Conference for it to do so had been met with rejection immediately following the conference. Unfortunately, the inaction imposed upon the international community by certain States over the preceding decades with respect to Israel's well-documented nuclear weapons programme was commensurate to condoning its unlawful behaviour. Israel had even had the audacity explicitly to acknowledge possession of nuclear weapons, a contradiction to the establishment of a NWFZ in the Middle East.

79. The Director General's report, although it clearly stated Israel's non-compliance with its international commitments, including Security Council and General Conference resolutions, showed a double standard approach. It was disappointing that the Director General did not express any concern about his failure to implement his mandated mission. The Agency's credibility had been damaged because the Director General had diluted the strong language of the General Conference resolution, which demanded unequivocal, unconditional and prompt accession to the NPT, by merely inviting Israel to consider acceding to the Treaty. Similarly, many had expected the Director General to do much more than simply compile the statements of Member States. To deal with Israel's nuclear capabilities, peace-loving countries must establish a strong united front to work towards the prompt implementation of all Agency resolutions regarding its nuclear weapons activities and its violations, including attacks and the threat of attacks against the nuclear facilities of Member States.

80. The issue should remain on the agenda of the Board and General Conference, and the Director General should take urgent practical steps to compel Israel to accede to the NPT and place its unsafeguarded nuclear facilities under comprehensive Agency safeguards in order to pave the way for the establishment of a NWFZ in the Middle East.

81. He expressed surprise at the references made by the United States of America to safeguards implementation in Iran and Syria, issues that had already been addressed under the agenda. He was not surprised, however, by the United States' continued support for Israel at any price and recalled that at the 1982 General Conference it had gone so far as to threaten to withdraw its membership of the Agency if a resolution was passed against Israel.⁴

82. Ms FEROUKHI (Algeria)* urged the Director General to continue his efforts aimed at implementation of resolution GC(53)/RES/17 and to inform the Board of Governors of the results of his activities. That request was in line with Algeria's consistent pursuit of the goals of non-proliferation and general and complete disarmament as attested, on the one hand, by its adherence to the NPT and other relevant international instruments, including the Comprehensive Nuclear-Test-Ban Treaty and, on the other hand, by the fact that Algeria had been one of the first African countries to ratify the Pelindaba Treaty establishing Africa as a NWFZ.

83. The mandate given to the Director General by the resolution on Israeli nuclear capabilities was a contribution towards efforts to universalize the NPT and the Agency's comprehensive safeguards agreements and, especially, towards the establishment of a NWFZ in the Middle East, goals which were in the interests of all Member States and the international community.

84. In that connection, the 2010 NPT Review Conference had reaffirmed the commitment of States Party, and in particular those States having a special responsibility for maintaining peace and security, to resolutely implement the Treaty's objectives, in particular to establish a NWFZ in the Middle East at an international conference on the Middle East to take place in 2012.

85. Such a conference, which Algeria hoped would succeed, must not be thwarted by the obstinate refusal of Israel to adhere to the NPT, to submit its facilities to Agency verification and, above all, to move forward towards the creation of a NWFZ in the Middle East to guarantee the security of the States of that region in compensation for their renouncement of nuclear weapons.

86. Mr SABBAGH (Syrian Arab Republic)* said that his country was dissatisfied with and surprised by the content of the Director General's report. Although it had taken nearly a year to prepare, the report provided no substance and did not fulfil its intended purpose. The report contained an account of the Director General's visit to Israel comprising one timid paragraph of only a few lines. All relevant analyses were relegated to the annexes, containing the entire body of correspondence without commentary.

87. He asked what the purpose of that visit was and how the Agency had verified that all Israeli nuclear activities remained in peaceful purposes. He asked whether that assertion included all the Israeli installations which senior Israeli politicians had announced contained nuclear weapons, only then to backtrack, saying that had been merely a slip of the tongue.

88. Syria had hoped that, in his report, the Director General would take into consideration the concern and fear of the States in the Middle East over the presence of Israeli nuclear reactors which fell under no control regime, as well as verification of those activities which were taking place outside any international control. It had hoped that the Director General would urge Israel to implement the dozens of international resolutions adopted by the Security Council and the General Assembly requesting, and reasserting the importance of, Israel's accession to the NPT and placement of all its nuclear facilities under Agency safeguards to achieve the objective of universality of the NPT in the Middle East.

⁴ See document GC(XXVI)/OR.245 para. 14.

89. He asked why the Secretariat had not relied on open-source information in dealing with the matter at hand, as it did in the case of other States. Syria was extremely concerned that double standards and obvious partiality were being applied.

90. He expressed regret that some Member State had made unwarranted mention of Syria to cover up Israel's rejection of the international community's will. The Ambassador of the United States of America had complained that the item under discussion was meant to deflect attention from cases of violations before the Agency, and that Syria had hampered the Agency's investigation for two years. At the same time, he seemed to have deliberately forgotten that the reason the subject of the Dair Alzour site had come up was Israel itself, which had carried out a blatant attack on Syria's sovereign territory, taking advantage of the immunity granted to it by some States. The Ambassador of the United States was concerned over Syria's refusal to cooperate with the Agency, but at the same time omitted to mention Israel's lack of cooperation with the Agency. He reserved for himself the right to express concern over that issue, and yet wished to prevent a large number of Member States from expressing their concern over Israel's nuclear capabilities, which continued to increase and remained outside any control.

91. Syria was closely following developments in the matter and asked the international community, and in particular the nuclear-weapon States, to adopt a global, balanced policy of respect for all peoples, upholding the sovereignty of States and rejecting double standards.

92. In light of the above, Syria requested that the Board keep the item concerning Israeli nuclear capabilities on the agendas of the Board of Governors and the General Conference and asked for support for the draft resolution which the Arab Group would be tabling on the issue.

93. Mr QUEISI (Jordan)* stressed the great importance his country attached to the comprehensive safeguards regime as a fundamental element of international efforts to prevent nuclear proliferation and restrict the use of nuclear energy entirely to peaceful purposes.

94. In recognition of that, Jordan had signed a comprehensive safeguards agreement with the Agency, in keeping with its obligations under the NPT, and had also signed an additional protocol to reinforce the comprehensive safeguards regime. It had done so based on its conviction that nuclear weapons and other WMD posed a threat to global peace and security and, especially, to stability in the Middle East, which still suffered from the inability to apply resolutions related to freeing it of nuclear weapons.

95. All the States in the region had joined the NPT and placed all their nuclear facilities under Agency comprehensive safeguards except Israel, which remained outside the NPT framework and was a source of concern in the context of regional peace and security. The international community had become aware at an early stage that Israel possessed nuclear weapons, as reflected in Security Council resolution 487 (1981) calling on Israel to place its nuclear facilities under Agency safeguards. The security sought by Israel could not be achieved through the possession of WMD and remaining outside the NPT, but through a just and comprehensive peace based on international law, towards which Jordan was working diligently.

96. Israel should accede to the NPT as a non-nuclear-weapon State and place all its nuclear facilities under Agency comprehensive safeguards to achieve universality of the NPT in the region. That was an important preliminary step towards establishing a NWFZ in the Middle East, enabling States to focus on their socio-economic development instead of an arms race that hampered development efforts and aggravated tension and lack of confidence.

97. Jordan welcomed the results of the recent NPT Review Conference, which had emphasized the importance of Israel acceding to the NPT and submitting all its nuclear facilities to comprehensive

safeguards and which had called for the convening of a conference in 2012, to be attended by all the Middle East States, on the establishment in the region of a zone free of nuclear weapons and all other WMD, with the support and engagement of the nuclear-weapon States. Jordan called on all parties concerned to demonstrate the necessary flexibility to ensure the success of that major conference which would be a genuine opportunity to start the necessary practical steps to establish a NWFZ in the Middle East.

98. Mr AZOULAY (Israel)* said his country rejected item 8 (b) on the agenda as much as it had rejected resolution GC(53)/RES/17 in its entirety. The governments that were the driving force behind that resolution aimed to bring the name of Israel alongside those of Iran and Syria, which were under investigation by the Agency for non-compliance with their international obligations.

99. Israel valued the non-proliferation regime, acknowledged its importance and, over the years, had exercised a responsible policy of restraint in the nuclear domain. Israel's position and policy regarding regional security in all its aspects, including the establishment of the greater Middle East zone as a zone free of all WMD and their means of delivery, was well known.

100. Genuine arms control measures in the Middle East could be advanced only as a result of a comprehensive and durable peace in the region and full compliance by all States of the region with their arms control and non-proliferation obligations in a way that would enhance the security of all. That had also been the proven experience of other regions. No majority vote in the international forums was a substitute for broad regional consent and cooperation.

101. The agenda item and resolution on Israeli nuclear capabilities were clearly incompatible with the basic principles and norms of international law. It was the sovereign right of any State to decide whether to consent to be bound by any treaty. The Statute required the Agency to carry out its activities "with due observance of the sovereign rights of States". Indeed, the advancement of States' accession to international treaties did not fall within the purview of the Agency's functions as defined in its Statute. Those facts were, regrettably, forgotten or overlooked by certain Member States.

102. The Agency should focus on violations of Agency safeguards obligations by Member States. Regrettably, there had been four cases over the years in which countries in the Middle East had violated their NPT obligations and sought to obtain nuclear weapons capability, namely Iraq under Saddam Hussein, Libya, Syria and Iran, the last two still being under active Agency enquiry. The most significant threats to the non-proliferation regime and the NPT were those posed by States that pursued nuclear weapons under cover of their NPT membership.

103. It was highly inappropriate for the Board to include the item on Israel on its agenda; it had no legal basis and was irrelevant to the Board's mandate. It was engendered by the extraneous and negative political motivations of its initiators. It served to distract attention from real and serious violations of NPT and Agency safeguards obligations. It was Iran that represented the greatest threat to peace and security in the Middle East and beyond. Pointing an accusing finger at Israel might be seen as politically advantageous by some, but rendered disservice to efforts to stem dangerous proliferation and punish violators.

104. In that connection, he referred to Egypt's false and outrageous accusation regarding Israel's policy and capabilities. It should be noted that Egypt had itself figured in the Agency's SIR for 2009. It would do better to provide answers to the Agency rather than launch a negative campaign against Israel.

105. Resolution GC(53)/RES/17 had been supported by some States that did not even recognize the State of Israel. One of those States, moreover, openly and explicitly called for Israel's annihilation. He

questioned the moral right of those who did not recognize Israel's right to exist to speak against its policies.

106. In conclusion, he said that pursuit of the agenda item by the Board or the forthcoming General Conference would be a clear indication that those countries were not really looking for progress in the Middle East; they were simply politicizing the Agency.

107. Mr FAWZY (Egypt) said that the statement by the Ambassador of Israel had been delivered on behalf of a State which not only rejected the NPT, operated unsafeguarded facilities, systematically ignored Security Council resolutions (including Security Council Resolution 487 of June 1981 which called on Israel urgently to place its nuclear facilities under Agency safeguards — without result to date), but also was widely believed to have accumulated a nuclear arsenal. Were the situation not so serious, he would think those comments risible, but as it was, he considered them an insult to the intelligence of the members of the Board.

108. The DIRECTOR GENERAL, responding to comments and questions, addressed firstly the observation that the report lacked content. He had made active, strong efforts to achieve the objectives of GC(53)/RES/17, making full use of his good offices by going to Israel and conveying the concerns of the General Conference personally at the highest level of the Government of Israel, including to the President, and inviting Israel to consider acceding to the NPT and placing all its nuclear facilities under comprehensive Agency safeguards. Although not specifically required to do so, he had taken the initiative to establish a dialogue at the highest level in Israel, and he had wanted to encourage and invite Israel to accede to the NPT face to face. Though some might take it for granted, it had not been easy and, in his view, having and maintaining a high-level channel of dialogue was a worthwhile effort.

109. Regarding cooperation by Israel and the process of preparing the report, he had begun discussions with his Israeli counterparts at the beginning of the year. After long and careful preparations, he had managed to meet with President Shimon Peres in Davos in February where he had raised the issue.

110. After having consulted with Ambassadors, he had sent his letter, contained in Annex 1 of the report, to all the countries concerned. Having awaited the outcome of the 2010 NPT Review Conference, he had consulted again with Ambassadors, he had visited Egypt in June, where he had met with Secretary General Moussa of the League of Arab States, and he had visited Israel in August. During that period of preparation and meetings, he had received good cooperation from all the countries, including the Arab States, Israel and others.

111. As regards the comments concerning an assessment or list of all nuclear facilities in Israel, he said that the Secretariat had the legal authority to seek information in connection with Israel's INFCIRC/66-type safeguards agreement and his report contained the available information related to equipment and facilities specified in Israel's safeguards undertakings. The Secretariat did not, however, have the legal authority to seek additional information beyond that related to Israel's INFCIRC/66-type safeguards agreement. Therefore, it was not possible for the Secretariat to draw up a hypothetical list of facilities which could be included in possible future comprehensive safeguards agreements by Israel. It should also be noted that the replies of Member States had not included any specific information on nuclear facilities in Israel. Only Israel could submit a list of all its nuclear facilities which could be subject to safeguards pursuant to comprehensive safeguards in the event that Israel concluded such an agreement with the Agency.

112. With respect to the criticism that he had been applying a double standard, he said he did not think calling his actions a double standard was relevant. Different countries had different legal status, and there were different approaches reflecting those differences in legal status. If he were,

hypothetically speaking, given the same mandate in relation to other countries without a comprehensive safeguards agreement but with an INFCIRC/66-type agreement, there would be no double standard; his response and his approach would be exactly the same.

113. Another point concerned the lack of analysis of Member States' positions. He could have provided such an analysis but, after carefully weighing up the pros and cons, he had decided against it, mainly because the Member States' responses were self-explanatory, diverse in nature, and highly political in nature. His analysis would have offered very limited additional value or could even have been harmful or misleading, since he could not act on behalf of sovereign States. Sovereign States had their views and he could not interpret or assess those views, especially on the matter under discussion.

114. Concerning the way forward, he said that his guiding principle in preparing that report had been the collective will of the General Conference precisely as reflected in the text of resolution GC(53)/RES/17. The resolution was very clear on what it expected of the Director General, and he had fulfilled that mandate to the best of his abilities. He was fully aware of the request by NAM and others to outline the way forward, but resolution GC(53)/RES/17 had not given him that mandate. Nor had the Board of Governors given him guidance to that effect. Thus, he was not able to outline the way forward; in his view, that was rather a matter to be decided by all the Member States concerned.

115. For the reasons given above, he had no further information or comments to include in an addendum to his report.

116. Mr CSERVENY (Assistant Director General, Office of External Relations and Policy Coordination), in response to the comment by the representative of the Islamic Republic of Iran that the report's tone was sympathetic to Israel, maintained that the report was factual and short.

117. Mr SOLTANIEH (Islamic Republic of Iran)* thanked the Director General for his comments, which had helped to remove some ambiguities. The Director General's mandate was, as he himself had correctly pointed out, based on the resolution. That being so, the Director General should have used the language of the resolution, and not substitute milder terms such as 'appeal', 'request', 'if possible' or 'please consider joining the NPT'. The language of the resolution was very straightforward, calling for prompt accession to the NPT.

118. Noting the Director General's earlier reference to the unfortunate memory of Hiroshima and fully trusting the Director General's determination to work towards nuclear disarmament, he asked whether the Director General needed a mandate to put to Israeli officials the simple, legitimate question as to whether Israel possessed nuclear weaponry. If he did, then Iran would work with Member States to give him that mandate. The issue had been raised several times by the General Conference and the Board of Governors following two contradictory official statements, one by Israel's Prime Minister announcing a position, and the other by the representative of Israel denying that position.

119. Regarding the Director General's response that his report would be the same for other non-parties to the NPT, he reminded the Director General that the other two other non-parties to the NPT who were members of the Agency did not have the same status, and so one would not expect the Director General's report to be the same. The difference was that the two had never been the subject of resolutions concerning violation of the Statute, whereas Israel had been the subject of a number of resolutions by the Security Council and the Agency.

120. Ms GOICOCHEA ESTENOZ (Cuba), having thanked the Director General for his responses, expressed regret that he was not prepared to issue an addendum to his report. She looked forward to discussing the issue further during the General Conference.

121. Ms FEROUKHI (Algeria)* shared the Director General's view that the process of negotiation in relation to the item under discussion was not easy. She suggested that the report make clearer the distinction between Israel's INFCIRC/66-type safeguards agreement and a comprehensive safeguards agreement and also that it clarify whether the former type of agreement was voluntary or binding.

122. The DIRECTOR GENERAL, responding to the comment from the representative of Iran in relation to the language he had used in his negotiations with Israel, said that resolution GC(53)/RES/17 urged him to work towards achieving the goal of Israel's accession to the NPT. He did not understand the resolution as restricting in any way the language he used as part of that work, and he had employed the choice of words that seemed most appropriate to him.

123. As regards asking Israel if it possessed nuclear weapons, he said that the SIR indicated that there was no diversion from peaceful activities at the Soreq facility and he had therefore not asked that question.

124. Mr CSERVENY (Assistant Director General, Office of External Relations and Policy Coordination), responding to the point made by Algeria, said that an INFCIRC/66-type safeguards agreement was voluntary in the sense that it was voluntarily entered into by the State in question, but, like most international agreements, became legally binding once it entered into force.

125. In relation to the regularly raised issue of double standards, he acknowledged that there was, in a sense, a double standard, inasmuch as different Member States had different agreements with the Agency, so it was to be expected that States that had comprehensive safeguards agreements under the NPT were treated differently from those with INFCIRC/66-type safeguards agreements.

126. Ms GOICOCHEA ESTENOZ (Cuba) said that, while she felt sure that no delegation wished to restrict the Director General's choice of words in his negotiations, her delegation did feel that he should bear in mind relevant past events. For example, in an interview in 2006 the Prime Minister of Israel had made a comment implying that his country possessed nuclear weapons. She expressed a lack of satisfaction with the report as a whole.

127. Mr FAWZY (Egypt) asked whether any publicly-available information had been taken into account in the preparation of the report.

128. Mr EL AMIN (Sudan)* said that the statement he had made on behalf of the Arab Group had raised a number of sincere questions in a transparent manner. He was therefore disappointed that none of those questions had received satisfactory replies, particularly in relation to the report's failure to call explicitly on Israel to accede to the NPT, to mention the nature of the Israeli nuclear capabilities or to explain why no progress had been made in implementing the resolution.

129. However, the Arab Group did appreciate the work of the Director General and remained ready to support his efforts to achieve the Agency's goals.

130. The DIRECTOR GENERAL said that the Agency did take into account publicly-available information in relation to its safeguards work in Israel, as it did in relation to all countries, but only in connection with its legal mandate.

131. With regard to the extent of Israel's cooperation, he said that although it had not acceded to the NPT there had been a process of discussions and high-level meetings with Israel, carefully prepared over the course of the year. He left it to Member States to judge whether to regard that as a lack of cooperation.

132. He did not intend to issue an addendum to his report and indicated that he had already shared all the information he had with Member States.

133. In clarification of his earlier reference to the bombings of Hiroshima and Nagasaki, he indicated that the memory of those events always inspired him in the implementation of his mandate.

134. He sympathized with the frustration expressed by the Governor from Cuba in connection with the report. He stressed, however, that the report reflected his best efforts within the constraints of the Statute and other elements of the Agency's legal mandate. He had been a supporter of a NWFZ in the Middle East since it had first been proposed and would continue to support it.

135. The CHAIRMAN, summing up, said that general support had been expressed for the establishment of a zone free of nuclear weapons and other WMD in the Middle East.

136. Several members had considered that to be a positive step towards achieving global nuclear disarmament and had reiterated their support for the establishment of such a zone in accordance with relevant United Nations General Assembly and Security Council resolutions.

137. Several members had expressed their concern at the possession by Israel of a nuclear weapon capability, which posed a serious threat to regional security, and at the continued access by Israeli scientists to nuclear facilities of one nuclear-weapon State. They had noted that all States in the Middle East region, with the exception of Israel, had adhered to the NPT and they had emphasized that all Member States should cooperate to remedy that situation by achieving universality of the Agency's comprehensive safeguards in the Middle East, and that implementing resolution GC(53)/RES/17 would be a first step towards that end.

138. Several members had expressed concern at Israel's determination not to cooperate in any way to implement the resolution. They had called for the total and complete prohibition of the transfer of all nuclear related equipment, information, material and facilities, resources or devices and the extension of any assistance in the nuclear related scientific or technological fields to Israel.

139. Several other members had expressed the view that pursuing a non-consensual approach singling out one country, as manifested by the General Conference resolution on Israeli nuclear capabilities, would not be conducive to a positive atmosphere at the General Conference and could only hamper the ability of the Agency and its Member States to contribute positively to the establishment of a zone free of WMD in the Middle East.

140. They had emphasized that the item under discussion remained a distraction from pressing issues before the Board involving serious concerns about non-compliance by NPT States Party in the Middle East. One member had noted in that regard that Israel had broken no agreement under the purview of the Agency.

141. Several members had requested that the item be maintained on the agenda of the Board and the General Conference.

142. Several members had noted with concern that a selective approach to the issue of nuclear capabilities in the Middle East undermined the viability of the Agency's safeguards regime, which resulted in the continued presence of unsafeguarded nuclear facilities and activities in Israel.

143. Several members had regretted that the reactions of some major Member States, including nuclear-weapon States which constantly supported the universality of the NPT, deliberately ignored the issue of Israel's nuclear capabilities.

144. A view had been expressed that Israel acknowledged the importance of the non-proliferation regime and had over the years demonstrated a responsible policy of restraint in the nuclear domain, and that it was the sovereign right of any State to decide on its adherence to any particular treaty.

145. Several members had expressed their concern with regard to recent reports on Israel's readiness in the past to supply nuclear weapons to another country. That had been in contradiction to the assertions made by Israeli officials and proved that Israel did not respect its obligations and responsibilities towards the non-proliferation regime.

146. 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 the prior conclusion of a peace settlement in the Middle East.

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

148. Several members had expressed regret that the report did not include an evaluation of the current status of Israel's nuclear capabilities nor an analysis of the positions of Member States which had responded to the Director General's letter or which had been expressed during the consultations conducted by the Director General. They had also expressed their regret that the Secretariat was not in a position to provide a list of all nuclear facilities which could be subject to safeguards in the event that Israel were to conclude a comprehensive safeguards agreement. They had requested clarifications from the Secretariat on those issues.

149. Several members had expressed regret that the report had not addressed their requests to outline how the Agency viewed the way forward. They had requested the Director General to issue an addendum to his report that fully addressed the concerns and queries raised by those Member States. They had emphasized that the request for an addendum to the report should not be interpreted, in any way, as questioning the impartiality and independence of the Director General.

150. However, several other members had expressed the view that the Director General's report was an appropriate discharge of his mandate from the General Conference resolution and they therefore saw no need for an addendum to the report to be issued.

151. Several members had welcomed the decision taken at the 2010 NPT Review Conference to convene a Conference in 2012 on the establishment of a zone free of nuclear weapons and all other WMD in the Middle East. They emphasized the positive momentum created by NPT Review Conference and the need to avoid anything that might jeopardize the progress made, and which might undermine prospects for a successful Conference in 2012.

152. The Board had noted the responses by the Director General and the Secretariat on the issues raised during the discussion.

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

9. Any other business

154. Ms FEROUKHI (Algeria)*, speaking on behalf of both the Group of 77 and NAM, reiterated the views and concerns they had expressed at previous meetings of the Board on the issue of nuclear fuel supply assurance. The technical, legal and economic aspects of the issue, as well as the underlying political dimensions, should be thoroughly addressed so that any proposal that eventually emerged complied fully with the Statute and took into account the legal obligations of Member States and the principle of non-discrimination.

155. In March 2010 at the technical briefing on document 2010/Note1, a number of critical issues had been raised by Member States, including by proponents of other mechanisms related to assurance of supply. Those issues, and others raised by the Group of 77 and NAM at the June 2009 meetings of the Board, had yet to be thoroughly addressed.

156. The Group of 77 and NAM reiterated that concerns related to nuclear proliferation must not in any way restrict the inalienable right of all States to develop all aspects of nuclear science and technology for peaceful purposes, especially given its relevance for the sustainable socio-economic development of developing countries.

157. The Group of 77 and NAM reiterated that any further consideration of the issue of nuclear fuel supply assurance had to be based on a coherent and comprehensive conceptual framework that adequately addressed the views and concerns of all Member States. They remained convinced that further consideration of individual proposals on the matter had to be preceded by consensual agreement by the General Conference on a conceptual framework that outlined the specific political, technical, economic and legal parameters. If the Agency was to establish a mechanism for the assurance of nuclear fuel supply, it had first to agree on common principles and objectives which would then apply automatically to all the different proposals.

158. The Group of 77 and NAM again recommended that, subject to the provisions of the Statute, any decision on individual proposals should be taken by consensus by the General Conference so that the views and concerns of all Member States could be taken into account. As no progress had been made towards addressing their concerns, the Group of 77 and NAM considered that it was premature to submit individual proposals to the Board.

159. The Group of 77 and NAM noted that detailed and comprehensive discussions of all aspects of the issue had not taken place prior to the non-consensual decision taken by the Board in November 2009 to authorize the Director General to conclude an agreement on the establishment of a reserve of LEU. They hoped that such a situation could be avoided in the future.

160. Finally, in view of the fact that consultations were still ongoing on an appropriate framework for conducting further discussions on the issue, the Group of 77 and NAM reiterated that transparent and inclusive deliberations were required to formulate an acceptable framework for assurance of nuclear fuel supply. They continued to believe that an open-ended working group would be the best forum for conducting such discussions and requested the Chairman to continue his efforts towards achieving consensus in that regard.

161. Mr EL AMIN (Sudan)*, speaking on behalf of the Arab Group, said that the Group attached great importance to the subject of assurance of nuclear fuel supply. He stressed that any agreement had to be voluntary in nature and should not infringe States' rights to develop their own nuclear capacities.

162. It was important that the conditions for benefiting from such mechanisms should include full compliance with NPT safeguards obligations and acceptance of the non-proliferation and disarmament principles established by the 1995 NPT Review Conference, which had stipulated that the supply of fissile material, including nuclear fuel, or equipment used for producing such material, was subject to the precondition that the recipient State implement a comprehensive safeguards agreement and not possess nuclear weapons.

163. Israel was the only State in the Middle East that had not signed the NPT and placed its nuclear facilities under Agency safeguards. The Arab Group therefore requested that Israel not be permitted to benefit from any assurance of supply mechanism until such time as it acceded to the NPT and accepted comprehensive safeguards.

164. The Arab Group recalled that the work plan adopted at the NPT Review Conference in May 2010 had reaffirmed that future talks on the nuclear fuel cycle, including assurance of supply mechanisms, had to be based on the legal and economic principles established under the NPT, including full safeguards, which the Group regarded as non-negotiable.

165. Mr FAWZY (Egypt), speaking on behalf of NAM, drew attention to the Agency's responsibility to protect safeguards confidential information. NAM remained concerned by recurrent leaks of such information, including the possibility of leaks by staff leaving the Agency, which, in the absence of adequate corrective measures, called into question the credibility of its regime for protecting confidentiality. NAM took note of the Director General's remark in his introductory statement that such issues were very complicated and required in-depth consideration.⁵

166. NAM recalled that, at the meetings of the Board in June 2010, it had requested a comprehensive progress report by the Director General that fully addressed NAM's concerns on the confidentiality issue. NAM had reiterated that request in a letter conveyed to the Director General on 15 July 2010. NAM took note with appreciation that the Director General intended to present such a progress report at the meetings of the Board in December 2010.

167. Ms DE CARTIER (Belgium)* said that she was speaking on behalf of the European Union, as well as the candidate countries Croatia, the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, and Ukraine, the Republic of Moldova and Armenia.

168. The European Union was firmly convinced that multilateral approaches to the nuclear fuel cycle could bring energy security and non-proliferation benefits without distorting the existing, well-functioning market. Participation in mechanisms for assurance of supply would be voluntary and would not affect States' rights under the NPT.

169. In view of the agreement reached on the subject during the 2010 NPT Review Conference, the European Union was ready to continue discussions on the development of multilateral approaches to the nuclear fuel cycle in order to make further progress on the question of assurance of supply.

170. The European Union welcomed the agreement signed in March 2010 between the Agency and the Russian Federation to establish a physical reserve of LEU in Angarsk.

171. The European Union believed that there was now an opportunity to make further progress with multilateral approaches, such as an LEU fuel bank under Agency auspices, as provided for in the Statute. Indeed, the opportunity was becoming a necessity in view of the increasing number of countries embarking on nuclear power programmes. The Secretariat had already prepared a first proposal on such a fuel bank in document GOV/2009/30, and a further document, 2010/Note1, in response to questions raised.

172. The European Union was ready to make a financial contribution to an Agency-controlled LEU fuel bank, once its conditions and modalities had been defined and approved by the Board. It appreciated the readiness of other donors to fund the establishment of the bank and the willingness of Kazakhstan to host it. At the Director General's request, US \$150 million had been made available to the Agency for the LEU fuel bank, which would be available to those countries that decided, on a purely voluntary basis, to use the fuel bank as a back-up supplier of last resort in the event of unexpected supply disruptions.

⁵ See document GOV/OR.1276 para. 38.

173. The European Union believed that much of the groundwork for setting up the LEU fuel bank had already been laid and was confident that remaining questions, such as eligibility criteria, could be agreed in advance by the Board. The European Union considered that realization of the Agency LEU fuel bank project provided an excellent opportunity to answer, in a practical way, remaining questions about multilateral approaches and it would be regrettable if the current window of opportunity were missed.

174. The European Union therefore called on the Director General and the Secretariat to update document GOV/2009/30 to reflect the previous discussions so that the Board would be in a position, in the near future, to take the steps necessary to implement the project.

175. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela), speaking on behalf of GRULAC, regretted that little progress on assurance of nuclear fuel supply appeared to have been made since GRULAC had last expressed its concerns on the issue in 2008.

176. GRULAC was strongly committed to disarmament and non-proliferation, as demonstrated by its status as the first densely populated region to become established as a NWFZ. GRULAC could not support any initiative that could restrict States in their rights to use nuclear energy for peaceful purposes, nor could it accept any attempt to redefine the balance of obligations established by the NPT that might cast doubt on the rights of States to develop nuclear technology for peaceful purposes.

177. GRULAC considered assurance of supply to be a complex topic that required in-depth discussion of its technical, legal, administrative, political and commercial aspects and implications. GRULAC required a clear conceptual framework detailing principles and objectives and was prepared to contribute towards such a goal through an open-ended working group.

The meeting rose at 6.05 p.m.