

IAEA Board of Governors

Record of the 1295th Meeting
GOV/OR.1295

Implementation of the NPT safeguards agreement in the
Syrian Arab Republic

Assurance of nuclear fuel supply

Board of Governors

GOV/OR.1295

Issued: April 2011

Restricted Distribution

Original: English

For official use only

Record of the 1295th Meeting

Held at Headquarters, Vienna, on Wednesday, 9 March 2011, at 3.05 p.m.

Contents

Item of the agenda ¹	Paragraphs
4 Nuclear verification	1–151
(d) Implementation of the NPT safeguards agreement in the Syrian Arab Republic	
5 Assurance of nuclear fuel supply	152–185

¹ GOV/2011/15.

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 PARVEZ	Chairman (Pakistan)
Ms CONTRERAS DE ECKER	Argentina
Mr POTTS	Australia
Mr HAJIZADA	Azerbaijan
Ms DE CARTIER	Belgium
Mr VALLIM GUERREIRO	Brazil
Mr MPAY	Cameroon
Mr CAZA	Canada
Mr BERGUÑO HURTADO	Chile
Mr LI Song	China
Ms KUCHYŇOVÁ ŠMIGOLOVÁ	Czech Republic
Ms CALLESEN	Denmark
Mr ROSENBERG GUERRERO	Ecuador
Mr MONDOLONI	France
Mr LÜDEKING	Germany
Mr KHULLAR	India
Mr GHISI	Italy
Mr NAKANE	Japan
Mr QUEISI	Jordan
Mr YATANI	Kenya
Mr SHIM Yoon-Joe	Korea, Republic of
Mr AMARSANAA	Mongolia
Mr HAMER	Netherlands
Mr ILLO	Niger
Mr MUMTAZ	Pakistan
Mr GARCÍA REVILLA	Peru
Mr MARCELO CURTO	Portugal
Mr BERDENNIKOV	Russian Federation
Ms TAN	Singapore
Mr MINTY	South Africa
Mr HACHANI	Tunisia
Mr POKOTYLO	Ukraine
Mr ALKAABI	United Arab Emirates
Mr SMITH	United Kingdom of Great Britain and Northern Ireland
Mr DAVIES	United States of America
Mr UZCÁTEGUI DUQUE	Venezuela, Bolivarian Republic of
Mr AMANO	Director General
Mr CSERVENY	Secretary of the Board

Representatives of the following Member States also attended the meeting:

Albania, Algeria, Angola, Armenia, Austria, Belarus, Bulgaria, Burkina Faso, Colombia, Croatia, Cuba, Cyprus, Egypt, Finland, Holy See, Hungary, Islamic Republic of Iran, Iraq, Ireland, Israel, Kazakhstan, Kuwait, Lebanon, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Morocco, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Philippines, Poland, Qatar, Romania, Saudi Arabia, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Uruguay, Vietnam, Yemen, Zimbabwe.

Abbreviations used in this record:

DPRK	Democratic People's Republic of Korea
EFTA	European Free Trade Association
EU	European Union
GRULAC	Latin American and Caribbean Group
LEU	low-enriched uranium
MNSR	Miniature Neutron Source Reactor
NAM	Non-Aligned Movement
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
UN	United Nations

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

4. Nuclear verification

(d) Implementation of the NPT safeguards agreement in the Syrian Arab Republic (GOV/2011/8)

1. Mr FAWZY (Egypt)*, speaking on behalf of NAM, said that it was essential not to lose sight of the manner in which the issue of the NPT safeguards agreement in the Syrian Arab Republic had initially been brought to the Agency's attention. As noted in the Director General's report to the November 2008 Board, the Agency had been severely hampered in discharging its responsibilities under Syria's safeguards agreement by the unilateral use of force by Israel and by the late provision of information by some Member States concerning the building at the Dair Alzour site. Bearing in mind the serious consequences of such acts, NAM regretted that the Board had not expressed itself clearly in that regard and that the Director General had still not addressed those matters in his reports.

2. NAM recalled the final declaration adopted at the summit of NAM Heads of State and Government held in Sharm El Sheikh, Egypt in July 2009, in which the Heads of State and Government had underscored NAM's principled position concerning non-use or threat of use of force against the territorial integrity of any State. They had condemned the Israeli attack against a Syrian facility on 6 September 2007, which constituted a flagrant violation of the UN Charter, and had welcomed Syria's cooperation with the Agency in that regard.

3. Part A of the Director General's latest report continued to include many references to events that had transpired prior to the preceding report. NAM requested clarification from the Secretariat on the rationale behind issuing a report that contained no new information on the Dair Alzour site.

4. While the Director General had stated that the Agency had been unable to confirm Syria's statements regarding the non-nuclear nature of the destroyed building, NAM also noted Syria's statement that it had provided all the information it had regarding the questions raised by the Agency concerning the Dair Alzour site.

5. NAM reiterated its previous requests that future reports by the Director General on the issue should contain the Agency's assessment of: the implications of Israel's bombing of the Dair Alzour site and its lack of cooperation for the Agency's ability to resolve all related outstanding issues, as well as the broader aspects of the future of the safeguards regime; and the reasons that might explain the absence of satellite imagery of the Dair Alzour site for a period of six weeks following its destruction by Israel. The continued absence of such assessment had not helped distinguish between the myth and the reality of the Dair Alzour site. NAM sought clarification as to why the Director General's report did not address its previous requests regarding the Dair Alzour site.

6. NAM was pleased that Syria had provided further information on its MNSR and allowed access to its facilities, and that it had authorized the Agency's proposed visit to the Homs phosphoric acid purification plant. It looked forward to all outstanding MNSR issues being brought to a close.

7. NAM welcomed Syria's intention to continue cooperating with the Agency and, in particular, the letter from the Foreign Minister stating that Syria would continue to work with the Agency to resolve all outstanding technical issues in accordance with its commitments under the Agency's Statute, the NPT and its safeguards agreement. That letter, together with Syria's approval of the Agency's proposed visit to Homs, represented positive steps forward.

8. NAM stressed that access to information, activities and locations during safeguards activities must be provided strictly in accordance with Syria's comprehensive safeguards agreement.

9. NAM encouraged Syria and the Secretariat to continue cooperating with a view to resolving any remaining issues relating to information, activities and locations. It was important to make a clear distinction between the legal obligations of Member States under their safeguards agreements and their voluntary undertakings, which must not be transformed into legal safeguards obligations.

10. All Member States must avoid undue pressure or interference in the Agency's activities, especially in the verification process, as that would jeopardize its efficiency and credibility.

11. NAM supported the Director General's call on States, including Israel, which might possess information relevant to the Agency's investigation to make it available. Further, it urged Israel to cooperate fully with the Agency in providing it with comprehensive information on the nature of the materials used in its attack on the Dair Alzour site.

12. Mr CSUDAY (Hungary)*, speaking on behalf of the European Union, said that the candidate countries Croatia, Iceland, Montenegro and the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, the EFTA countries Lichtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, associated themselves with the statement.

13. The EU remained concerned that for more than two years, Syria had not cooperated with the Agency on resolving a number of open questions about possible undeclared nuclear activities under its comprehensive safeguards agreement.

14. The EU expected that the letter which the Director General had received on 6 February from the Syrian Minister for Foreign Affairs indicating that the Director General of the Atomic Energy Commission of Syria would continue to work with the Agency would be followed by concrete steps by Syria to resolve the outstanding issues. Syria had not cooperated with the Agency since the June 2008 visit and had not responded to the other issues concerning Dair Alzour mentioned in the report. Thus, as the Director General reported, the Agency had not been able to make progress towards resolving the outstanding issues.

15. The lack of completeness of Syria's declarations and statements, the absence of supporting documentation, its repeated refusal to allow the Agency to access the Dair Alzour site and the three related locations and its refusal to provide the Agency with information on the construction of the destroyed building had hindered the Agency in completing its assessment and determining the nature of the site.

16. In his report, the Director General stressed that there was no limitation in comprehensive safeguards agreements on Agency access to information, activities or locations simply because they might be military related, and he called on Syria to fulfil its obligations, taking into account that the Agency had offered to establish the necessary modalities for managed access to sensitive information and locations, including the Dair Alzour site and the three other locations.

17. The EU shared the concern expressed in the report that, with the passage of time, some of the necessary information concerning the Dair Alzour site was further deteriorating or might be lost entirely, and underlined the urgency of Syria's full and prompt cooperation.

18. Also, the EU noted with concern that inconsistencies persisted between Syria's declarations on activities at the MNSR and elsewhere and the Agency's findings. It urged Syria to stand by its commitment to resolve those issues and implement the plan of action agreed with the Agency.

19. At the recent technical briefing held on 2 March, it had been announced that a visit to the Homs site was scheduled for 1 April. The Agency must have unrestricted access to the requested locations at Homs to perform the necessary activities at those locations. As stated by the Director General in his report, that could represent a step forward, and the EU hoped that it would be followed by further steps by Syria to help clarify all unresolved issues.
20. The EU urged Syria to bring an additional protocol into force as soon as possible, which would further facilitate the Agency's work in verifying the correctness and completeness of Syria's declarations. It fully supported the Agency's ongoing verification efforts in Syria with a view to resolving all outstanding questions.
21. Mr QUEISI (Jordan), speaking on behalf of the Arab Group, echoed the support for Syria expressed by the Council of the League of Arab States at its summit held in Libya in March 2010, which had condemned the gross violations by Israel and its continuous attacks against Arab States, had reaffirmed that Israel's attack against a military site under construction at Dair Alzour — an attack under a false pretext against a Member State of the Agency and a party to the NPT — constituted a violation of the sovereignty of the Syrian Arab Republic, and had called on the international community to condemn such aggression and take firm measures to prevent any recurrence.
22. The Arab Group again urged Member States to bring pressure to bear on Israel to respond to the Director General's repeated calls for it to cooperate with the Agency, provide the necessary information about the nature of the materials it had used in its attack and dropped on the site, and allow the Agency to take samples of those materials.
23. Syria had cooperated with the Agency in 2008 by facilitating a visit by inspectors to the site of the military building destroyed by Israel in Dair Alzour and responding to questions posed, although the site was not covered by Syria's obligations under its comprehensive safeguards agreement. That was testimony to the extent of Syria's transparency and cooperation with the Agency.
24. The Arab Group welcomed the letter from Syria's Minister for Foreign Affairs, H.E. Walid Al-Moualem, to the Director General stressing Syria's commitment to cooperation with the Agency in accordance with the Agency's Statute, the NPT and Syria's comprehensive safeguards agreement. The Group also welcomed Syria's letter to the Director General indicating approval by the Syrian authorities of the Homs visit and that detailed arrangements concerning the activities and date would have to be agreed upon by both sides, even though Syria was not required to do so under its safeguards agreement. The Group underscored the Director General's statement that those two recent communications from Syria represented a step forward.
25. The Arab Group looked forward to Syria's continued positive cooperation with the Agency with a view to the matter of the MNSR being dropped from the reports of the Director General and it again being addressed as a routine matter under the comprehensive safeguards agreement. The Group stressed the importance of the Secretariat confining itself to implementing the agreements States had signed with the Agency and not requiring them to take any measures outside their obligations under those agreements. It was essential to distinguish between international obligations and voluntary undertakings, such as the signing of an additional protocol.
26. Mr DAVIES (United States of America) commended the Secretariat for its professionalism in pursuit of its technical investigation in Syria. His country regretted that Syria had systematically hindered the investigation through deliberate efforts to conceal the full extent and scope of what his delegation strongly believed had been, and might still be, clandestine nuclear activities.
27. For over two years, the Director General and his predecessor had presented the Board with a growing list of safeguards concerns. At their core was credible information that Syria, with assistance

from the DPRK, had been secretly constructing a nuclear reactor at Dair Alzour, which appeared to have been intended for non-peaceful purposes. Regrettably, Syria had ceased all cooperation with the Agency's investigation into Dair Alzour after Agency inspectors had detected multiple traces of anthropogenic uranium at the site. Instead, it had actively hampered the investigation by denying access, providing incomplete and misleading information and sanitizing multiple locations. Syria was under an obligation to cooperate with the Agency to facilitate the implementation of its safeguards agreement. As noted in the Director General's report, Syria had not responded to the Agency's enquiries on the matter since August 2009. The significance of Syria's refusal to cooperate was underscored by revelations that Syria's clandestine nuclear activities had not been limited to the destroyed reactor.

28. The Syrian Foreign Minister's unfortunate response to the Director General's direct appeal for cooperation was but the latest evidence that Syria had no intention of allowing the Agency to verify that all its nuclear material and activities were exclusively for peaceful purposes. The Director General's reports to the Board had provided credible information indicating that the Dair Alzour facility had indeed been a reactor that was being built with DPRK assistance and had been intended for non-peaceful purposes. The burden was therefore on Syria to cooperate with the Agency and provide a meaningful response, together with the necessary information and access, so that the Agency could make formal verification findings on the Dair Alzour reactor and related sites. His delegation believed that, as in the case of Iran, the Director General could demonstrate that the safeguards regime was effective, even in the face of non-compliance, by promptly reporting his best assessment to the Board as to whether the Dair Alzour facility had been an undeclared nuclear reactor.

29. The United States noted with concern Syria's unwillingness to take the necessary steps to resolve the Agency's questions related to undeclared nuclear experiments and material at the MNSR. It viewed the plan of action announced at the September 2010 Board meeting as a means for Syria to address at least that part of the international community's concerns about its clandestine nuclear activities. The Secretariat had announced that the plan of action was to have been completed by 30 October 2010, but more than four months later — and six months after the action plan had been agreed — Syria had still not taken any concrete steps to address outstanding questions.

30. The United States welcomed Syria's agreement, in its letter dated 9 February 2011, to allow access to the Homs facility and the subsequent announcement by the Secretariat that Syria would permit Agency inspectors to visit Homs on 1 April. It expected Syria to provide the Agency the access deemed necessary to determine the full extent of any past or present uranium processing activities and nuclear materials at that location.

31. The plan of action must be implemented in full without further delay. In addition, the time frame for resolving the key issue of Dair Alzour must not be open-ended. Syria must not be allowed to select aspects of the plan of action — or, indeed, of its safeguards agreement — on which it intended to cooperate.

32. Syria's comprehensive safeguards agreement provided the legal basis for verifying the correctness and completeness of its declarations and resolving the many outstanding questions related to undeclared nuclear activities, materials and facilities. The United States called on Syria to bring into force without delay an additional protocol, without which the Agency would not be in a position to provide credible assurances about the absence of undeclared nuclear activities in that country.

33. The existence in a State party to the NPT of clandestine nuclear facilities apparently intended for non-peaceful purposes represented a continued threat to the integrity of the safeguards regime and as such was a matter of serious concern to the entire international community. Therefore, in the spirit of transparency, the Board should make the Director General's report available to the public.

34. The Director General stated in his report that some of the information concerning Dair Alzour was deteriorating or had been lost entirely. If Syria continued on its current path and the situation was not corrected forthwith, the Board should explore all options and take the necessary steps to preserve the credibility of the Agency and the international safeguards regime.

35. Mr HACHANI (Tunisia) once again condemned the attack on the Dair Alzour site, which constituted a flagrant violation of the sovereignty of a Member State of the Agency and a party to the NPT. The Director General should persevere in his efforts to urge Israel to cooperate fully and in a transparent fashion and provide all the information required by the Agency without further delay.

36. Tunisia welcomed Syria's cooperation with the Agency regarding the Dair Alzour site, especially the 2008 visit of Agency inspectors to the location and Syria's replies to the Agency's questions. Tunisia also welcomed the letter addressed by the Syrian Minister for Foreign Affairs to the Director General stressing Syria's commitment to cooperate through work by the Atomic Energy Commission of Syria with the Agency to resolve all outstanding technical issues. Further, Tunisia welcomed the continuing dialogue on the MNSR, especially Syria's approval of the proposed visit of Agency experts to Homs, which it considered a step forward.

37. All the parties concerned must comply with all instruments relating to the peaceful use of nuclear energy and not request the taking of any measures falling outside the obligations under those agreements. It was important to distinguish between international obligations and steps taken by States on a voluntary basis.

38. Tunisia was of the view that the report should not be made public.

39. Mr BERDENNIKOV (Russian Federation) welcomed the Agency's efforts to implement safeguards in Syria, the decision by Syria to allow Agency inspectors access to the Homs location and its intention, expressed in the letter from the Syrian Minister for Foreign Affairs, to work with the Agency in accordance with the Agency's Statute and Syria's safeguards agreement.

40. His delegation urged the Secretariat and Syria to make every effort to clarify questions relating to the MNSR in Damascus, including with regard to the discovery of particles of anthropogenic uranium. It welcomed Syria's intention to cooperate with the Agency on that question and hoped that it would do so in other areas as well.

41. It would be useful to obtain clarification of the questions raised regarding the munitions used in the destruction of the Dair Alzour site but, unfortunately, such information had still not been submitted by Israel.

42. His delegation endorsed the Director General's call for Syria to bring into force an additional protocol to its safeguards agreement, which was an important tool in verifying the correctness and completeness of information provided by States pursuant to their safeguards agreements.

43. Mr ALKAABI (United Arab Emirates) said that his Government attached great importance to the implementation of comprehensive safeguards. Compliance with non-proliferation and transparency requirements was a precondition to benefiting from the peaceful uses of nuclear energy. Also, an additional protocol was required for strengthened Agency verification of the peaceful nature of nuclear activities.

44. His delegation condemned the Israeli attack on the Dair Alzour site, which had hampered the Agency's efforts to implement safeguards fully. Israel must cooperate with the Agency in providing all the information required on the destroyed site and on the materials it had used as that would be helpful in the verification task.

45. Also, the United Arab Emirates emphasized the importance of Syria cooperating with the Agency in order to resolve the outstanding issues surrounding the Dair Alzour site.

46. His delegation welcomed Syria's decision to allow an Agency visit to the Homs site as a sign of its willingness to cooperate. His delegation underlined the importance of continued direct cooperation between Syria and the Agency in order to reach a settlement of all outstanding issues, thereby enabling the Agency to verify fully and build confidence regarding the nature of Syria's activities under its safeguards agreement.

47. Mr CAZA (Canada) said that his delegation remained deeply concerned about revelations regarding the Dair Alzour site that pointed to possible undeclared nuclear activities in Syria. An undeclared nuclear reactor of the kind that appeared to have existed at the Dair Alzour site represented a very serious proliferation threat and would be a blatant breach of Syria's safeguards obligations. Canada therefore welcomed the recent assurance from Syria's Minister for Foreign Affairs that Syria would continue to work with the Agency to resolve all outstanding technical issues in accordance with its commitments under the Agency's Statute, the NPT and Syria's safeguards agreement.

48. His delegation regretted the difficulties that the Agency had faced in conducting its investigations on account of the physical circumstances it had found at the Dair Alzour site. It noted with great concern not only that, with the passage of time, some of the information concerning the Dair Alzour site was deteriorating or had been lost entirely, but also that Syria had not cooperated with the Agency since June 2008 in connection with unresolved issues, thus further eroding confidence in the peaceful nature of Syria's nuclear programme.

49. With respect to the MNSR, Canada also remained concerned at the very limited progress towards implementing the agreed plan of action and arranging for access to the plant at Homs. Noting the recent communication by Syria of its approval of the Agency's proposed visit to Homs, he said Canada looked forward to timely completion of all relevant activities to resolve inconsistencies identified by the Agency.

50. His delegation noted with concern media reports indicating the possible existence of an undeclared uranium conversion facility at Marj Alsultan in Syria. Given the serious issues that would arise if that proved true, it was incumbent upon Syria to provide the Agency with immediate and unrestricted access to that and all other relevant sites and information. Also, Canada supported the Director General's call for Syria to bring into force an additional protocol as soon as possible.

51. His delegation supported the Director General's efforts to continue investigating the outstanding issues highlighted in his latest report and to fulfil the Agency's mandate to verify the completeness and correctness of Syria's declarations. It urged all Member States to support the Agency's efforts and enable the Director General to reach a conclusion on the nature of the Dair Alzour site. However, given the lack of cooperation or access thus far, and the serious challenges raised by the problem of deteriorating evidence, Canada requested that the Agency provide the Board with its best assessment of the nature of that site. The issue must remain on the Board's agenda until confidence in the exclusively peaceful nature of Syria's nuclear programme had been fully restored.

52. In view of the ongoing broad interest in the issue and the importance of transparency, his delegation requested that the report be made public.

53. Mr SHIM Yoon-Joe (Republic of Korea) welcomed the positive developments in cooperation between the Agency and the Syria since the preceding Board meeting. His delegation took note of the statement by the Syrian Minister for Foreign Affairs, in his letter to the Director General, that the Syrian Atomic Energy Commission would work with the Agency to resolve all outstanding technical issues related to the Dair Alzour site. Further to Syria's approval of the Agency's request for access to

Homs, the progress made at the recent meeting on detailed arrangements for the visit was also an encouraging development. His delegation hoped that Syria would formally approve the arrangements and that they would result in substantive cooperation leading to a full resolution of outstanding issues in a timely manner.

54. His delegation remained concerned, however, about the Director General's overall conclusions. The Agency had not been able to make any progress towards resolving the outstanding issues related to the Dair Alzour site and other locations since the Director General had first reported on the issue to the Board nearly three years previously. Failure to resolve those outstanding questions without further delay would have significant consequences. As the Director General had stated, it was critical that Syria cooperate actively with the Agency on those unresolved safeguards implementation issues. His delegation shared the concern that, with the passage of time, the information available to the Agency that would allow it to verify Syria's statements regarding the non-nuclear nature of the site would deteriorate.

55. Furthermore, the Agency was still not in a position to draw conclusions about the source of uranium particles found at the MNSR in August 2008 because of inconsistencies between Syria's declarations and the Agency's findings. His country hoped that Syria would implement the plan of action agreed with the Agency and spare no effort to facilitate the work of inspectors pursuant to its safeguards obligations in order to resolve those inconsistencies.

56. The Republic of Korea joined the Director General in urging Syria to bring into force an additional protocol to its safeguards agreement and supported his efforts to verify the correctness and completeness of Syria's declarations to the fullest extent. Syria must take concrete steps to dispel doubts about the scope and nature of its nuclear programme by cooperating fully with the Agency and implementing an additional protocol.

57. Mr NAKANE (Japan) expressed concern that Syria, by not cooperating with the Agency since June 2008, was preventing the Agency from making any progress towards resolving the issues concerning the Dair Alzour site and the three other related locations. In that context, Japan noted that, in his letter of 6 February 2011, Syria's Minister for Foreign Affairs had stated that the Director General of the Syrian Atomic Energy Commission would continue to work with the Agency to resolve all outstanding technical issues in accordance with Syria's commitments under the Agency's Statute, the NPT and Syria's safeguards agreement.

58. Japan also noted that Syria had informed the Agency of its approval of the Homs visit, but detailed arrangements regarding activities and date had to be agreed upon between both sides, taking into consideration that the Homs location was not under Syria's safeguards obligations. His delegation understood that dialogue between the Agency and Syria was continuing in that regard. Japan hoped the Agency's visit to Homs would indeed be a new step forward in Syria's cooperation with the Agency.

59. The Japanese delegation took note from the report that, based on the information currently provided by Syria, the Agency could not draw conclusions regarding the origin of the anthropogenic natural uranium particles found at the MNSR. Additionally, the location and scope of conversion experiments and the quantities of purified uranium and commercial depleted uranium involved in those experiments remained unclear to the Agency.

60. His delegation called on Syria to provide the cooperation requested by the Agency regarding Dair Alzour without delay in order to resolve the problems in the application of the safeguards agreement in Syria and to dispel the concerns of the international community, including concerns about nuclear cooperation between Syria and the DPRK.

61. At the same time, his delegation hoped that other countries concerned would provide, in a prompt manner, the information which the Agency had requested. Japan called on Syria to sign, ratify and implement an additional protocol in order to facilitate the Agency's work in verifying the correctness and completeness of Syria's declarations.

62. Mr POTTS (Australia) said that it was a matter of regret that the Director General had made no progress on the item under discussion. While Australia welcomed the last-minute news that Syria would facilitate a visit by Agency inspectors to Homs, the impasse over the Dair Alzour site was cause for real concern. Syria maintained that the destroyed building at Dair Alzour had been a non-nuclear military installation, but Syria had not engaged substantively with the Agency to support its claims since 2008.

63. Syria contended that it was not obliged to provide information on Dair Alzour and the three functionally related locations. However, the Agency's advice was that there was no limitation in comprehensive safeguards agreements on Agency access to information, activities or locations simply because they might be military related. Syria's continued refusal to respond to the Agency's repeated requests was inconsistent with its obligations under its comprehensive safeguards agreement.

64. Australia was deeply concerned by the Director General's assessment that information concerning Dair Alzour was further deteriorating, or had been lost completely, with the passage of time and that Syria's cooperation was therefore critical. Syria had been afforded every reasonable opportunity to provide reassurances regarding the Dair Alzour facility, yet had not done so. Syria was undermining the nuclear safeguards regime by refusing to comply with Agency requests for access and information, and was thereby preventing the Director General from drawing final conclusions about the correctness and completeness of Syria's safeguards declarations in that regard.

65. In light of Syria's continued refusal to cooperate with the Agency, it would be helpful if the Director General could report to the Board his assessment of the nature of the destroyed facility at Dair Alzour and its relationship to the three functionally related sites.

66. Turning to the activities at the MNSR and other locations in Syria, he said Australia welcomed the continued efforts to agree on a plan of action to resolve the inconsistencies between Syria's declarations and the Agency's findings. The Australian delegation welcomed Syria's approval of the Agency's proposed visit to Homs. It looked forward to the outcome of the Agency's investigation and hoped it would clarify the outstanding issues relating to activities involving the MNSR.

67. The Australian delegation joined the Director General in urging Syria to engage with the Agency on all outstanding issues and to bring into force an additional protocol, which would further facilitate the Agency's ability to verify the correctness and completeness of Syria's declarations. Australia believed it was important for all Member States to support the Secretariat unequivocally in its important verification tasks. It encouraged any States possessing relevant information to make it available to the Agency, as appropriate.

68. Australia supported the public release of the report on Syria in the interests of an informed public debate.

69. Mr QUEISI (Jordan) reaffirmed the inalienable right of all States to develop research of and acquire nuclear energy for peaceful purposes.

70. His delegation welcomed the declared intention of the Syrian Arab Republic to continue to work with the Agency to resolve all outstanding issues in accordance with Syria's commitments under the Agency's Statute. Furthermore, it welcomed Syria's approval of the visit by Agency inspectors to the pilot plant for the purification of phosphoric acid at Homs. It was looking forward to further

cooperation between Syria and the Agency to resolve all outstanding issues avoiding escalation and placing emphasis on their technical nature.

71. It was essential not to lose sight of the background to the agenda item, namely Israel's unilateral act in striking the Dair Alzour site. That constituted flagrant violation of international law and disregard for the Agency as the competent body for addressing the matter. Jordan deplored the continued silence of many Member States in that regard and their failure to condemn the attack, which implied a tacit acceptance of such conduct on the part of a State that had the power to act unilaterally, instead of using the legal means available and supporting the work of the Agency's inspectors.

72. His delegation called on Israel to respond positively to the Director General's repeated requests for information concerning the materials used in the strike on the building, which would help the Agency in verifying the nature of the destroyed site.

73. His country called on the Agency to implement comprehensive safeguards in the Middle East with a view to ridding the region of nuclear weapons. It was essential for Israel to accede to the NPT as a non-nuclear weapon State and place all its nuclear facilities under comprehensive safeguards in order to strengthen efforts to establish a nuclear-weapon-free zone in the Middle East and promote peace, security and socio-economic development in the region.

74. Finally, he said that Jordan was opposed to publication of the Director General's report.

75. Mr LI Song (China) noted from the Director General's latest report on the implementation of safeguards in the Syrian Arab Republic that the Agency had not been able to make progress towards resolving the outstanding issues. He also noted that Syria had expressed its readiness to continue to cooperate with the Agency to resolve all outstanding technical issues and to grant the Agency access to relevant facilities. China welcomed those developments.

76. China was in favour of finding a solution through consultation and cooperation between Syria and the Agency, avoiding any politicization and complication of the matter. It supported the Agency's continued investigation under its safeguards mandate.

77. China commended Syria's willingness to continue cooperation with the Agency and encouraged it to adopt positive steps to that end. Also, China expected other countries concerned to provide the Agency with the necessary assistance to resolve the remaining issues.

78. Mr BERGUÑO HURTADO (Chile) said that the Director General's latest report clearly demonstrated that Syria had still not cooperated with the Agency with regard to the Dair Alzour site so as to dispel doubts as to the nature of the facility bombed in 2007 or of the three related sites. The Secretariat believed that the responses provided by Syria were incomplete and that it had not provided the required supporting documentation or the necessary access to draw conclusions about the nature of the Dair Alzour site.

79. There was also a lack of clarity about the anthropogenic natural uranium particles found at the MNSR and which were of a type not included in Syria's declared inventory.

80. The Chilean delegation took note with satisfaction that Syria had approved an Agency visit to Homs and that arrangements for the visit were currently being determined by both sides. That development was clearly positive and Chile hoped it was the beginning of renewed collaboration between Syria and the Agency.

81. The Chilean delegation was convinced that the additional protocol substantially improved the effectiveness and efficiency of the Agency's safeguards system and agreed with the Director General

that Syria would facilitate the Agency's work in verifying the completeness and correctness of its declarations if it brought an additional protocol into force.

82. Ms TAN (Singapore), taking note of the report contained in GOV/2011/8, welcomed the news that the Minister of Foreign Affairs of the Syrian Arab Republic had recently informed the Agency that Syria would continue to work with the Agency to resolve all outstanding technical issues. Syria had also approved the Agency's request to visit Homs. Those were positive signals and her delegation agreed that they could represent a step forward. As those issues had been outstanding for some time, Singapore urged Syria to work constructively with the Agency with a view to their earliest possible complete resolution.

83. As regards the MNSR, while her delegation welcomed Syria's responses to date under the agreed plan of action, it also noted that they did not resolve the inconsistencies identified by the Agency.

84. Further, Singapore was concerned that Syria had not cooperated with the Agency since June 2008 with respect to unresolved issues relating to the Dair Alzour site and the three other locations allegedly functionally related to it. Singapore was cognizant of Syria's point of view that it was a victim of aggression by another country but, at the same time, the Agency had been tasked to undertake technical investigations in a situation where such investigations were indeed warranted. The Agency was doing its work with a double handicap: firstly, it had been tasked to conduct challenging forensic investigations several months after an event had occurred and, secondly, it had not received the much-needed cooperation from all relevant Member States, including Syria, in terms of access and/or information. Singapore urged Syria to work with the Agency towards resolution of the matter and closure of the dossier without delay. Singapore supported the Agency in encouraging Israel and other Member States to provide relevant information which might help to clarify the matter.

85. Singapore, as a friend of Syria, would not like to see any further deterioration leading to a deficit of confidence amongst the international community and considered that it was in the interest of all to seek a solution soonest. Singapore encouraged Syria to consider bringing an additional protocol into force as it would greatly facilitate the Agency's work in verifying the correctness and completeness of Syria's declarations. By working hand-in-hand with the Agency, Syria could demonstrate its innocence to the world.

86. Singapore supported the efforts of the Director General and the Secretariat in effectively implementing the NPT safeguards agreement in Syria and requested the Director General to report as appropriate.

87. Mr MINTY (South Africa) took note from the Director General's updated report of the information provided by Syria under the agreed plan of action concerning the MNSR. South Africa strongly encouraged Syria to continue such cooperation in order to assist the Agency in drawing safeguards conclusions and to provide, without further delay, all the clarifications requested on the unresolved safeguard implementation issues.

88. South Africa regretted that Israel had not provided the information requested by the Agency. Presumably, Israel had had relevant information which had resulted in it taking unilateral action to destroy the facility at Dair Alzour; that information should be shared with the Agency to enable it to discharge its verification mandate.

89. South Africa welcomed recent developments in relation to the agreed plan of action and the responses provided by Syria on the MNSR. It also welcomed the recent letter by Syria's Minister for Foreign Affairs regarding continued cooperation with the Agency to resolve all outstanding technical issues and the approved visit to Homs as positive developments.

90. His country urged Syria to implement the additional protocol which, though a voluntary step, could serve as an important confidence-building measure.

91. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) said his country could not understand why, following the attack by Israel on Syrian territory in September 2007, some countries, were seeking to blame the country that had been attacked, instead of condemning the attack. Such aggression was a flagrant violation of the sovereignty of another State and of the UN Charter. Thus, the approach to the issue had been unbalanced from the very beginning.

92. Israel should respond to the questions raised in regard to the possibility that the anthropogenic natural uranium particles found at the Dair Alzour site had originated from the missiles used in the attack. He underlined that Israel's act of aggression had undermined the Agency's ability to fulfil its responsibilities under its safeguards agreement with the Syrian Arab Republic.

93. Venezuela considered that the Syrian Arab Republic had collaborated voluntarily on the issue. The requests made of it in the report were unjustified because they went beyond its legal obligations under its safeguards agreement. The fact that the Director General's report did not provide any new information was attributable to a lack of cooperation on the part of the Israeli Government. Venezuela therefore expected the Secretariat to make greater efforts to remedy that situation.

94. In relation to activities at the MNSR, Venezuela noted the progress made by Syria and the Agency and welcomed the continued exchange of information between the parties involved. The Syrian Government's approval of the visit to the Homs facility was a step towards a satisfactory conclusion.

95. Mr GRIFFITHS (New Zealand)* took note from the report that the Agency had made no substantive progress towards resolving the outstanding safeguards issues in Syria.

96. New Zealand noted with regret the Agency's lack of access to the Dair Alzour and related sites and Syria's refusal to provide the information requested by the Agency, including in relation to concerns about the origin of the anthropogenic natural uranium particles found at the MNSR in Damascus. His country regretted that Syria's lack of cooperation had undermined the Agency's ability to reach a conclusion regarding its ongoing investigation.

97. New Zealand noted with interest the Director General's reference to a possible step forward as a result of the communications from Syria's Minister for Foreign Affairs stating that the Syrian Atomic Energy Commission would work with the Agency to resolve all outstanding technical issues and that Syria had approved the Agency's visit to Homs.

98. While encouraging, those developments did not go far enough. New Zealand hoped that they signalled a willingness by Syria to cooperate substantively with the Agency on all outstanding safeguards issues. Given the deterioration over time of some information concerning Dair Alzour, it was critical that such cooperation take place without further delay. Further, New Zealand urged Syria to bring into force an additional protocol to facilitate the Agency's work in verifying the correctness and completeness of Syria's declarations.

99. In conclusion, he stressed the importance of the Agency making progress in its assessment of Syrian activities before the next meeting of the Board of Governors in June.

100. Mr AZOULAY (Israel)* said that the report pointed to Syria's continued flagrant non-cooperation with the Agency regarding its clandestine nuclear programme, and specifically the true nature of the Dair Alzour site.

101. Over the past three years, the Agency had collected enough evidence to prove that the installation had been a nuclear reactor, built with the help of the DPRK, whose sole purpose was the production of plutonium. However, Syria refused to acknowledge the evidence. It was withholding information regarding the site and continued to refuse access to several other sites, including the one to where the debris from the destroyed nuclear reactor had been moved. Obviously, time was of the essence regarding access to the sites — a fact that Syria was fully aware of.

102. The report included additional disturbing findings constituting a gross breach by Syria of its obligations under its safeguards agreement. It had failed to report and explain the presence of uranyl nitrate and yellowcake at the MNSR, thereby breaching not only its safeguards but also its legal obligations regarding the use of the Homs facility, which had been funded by means of technical cooperation. Syria's vague explanations and new declarations were inconsistent with the inspectors' findings, for both the Dair Alzour site and the MNSR, and contributed to a lack of confidence in Syria. He appealed to Syria to cooperate sincerely with the Agency and cease its evasive tactics.

103. The Board of Governors should take more decisive action regarding the investigation in Syria, which had now reached a critical phase. The deterioration of evidence called for a prompt and assertive approach and a clear statement by the Agency on the nature of the Dair Alzour site.

104. Mr SOLTANIEH (Islamic Republic of Iran)* said the issue of an attack against a sovereign State, which was a matter of regional and global security, was being deliberately overshadowed by minor technical questions. It was essential not to lose sight of the fact that a Member State, party to the NPT, had been attacked by a State not party to the NPT under a false pretext. Israel's aggression had seriously damaged the Agency's verification mechanism, as had been confirmed by the previous Director General.

105. As indicated in resolution GC(XXXIV)/RES/533 of 1990 and reconfirmed inter alia by decision GC(53)/DEC/13, any attack or threat of attack against nuclear installations constituted a violation of the UN Charter, the Agency's Statute and international law and had to be acted on immediately by the Security Council. The Iranian delegation thus called for the Security Council to break its mysterious silence and take prompt action. His delegation also requested the inclusion on the agenda of the next General Conference of an item entitled "The consequences of the Israeli attack against Syria on the Agency's promotional and verification activities".

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

106. Mr FAWZY (Egypt)* urged Syria and the Agency to work together to achieve an early resolution of any safeguards issues that fell within the scope of Syria's legal obligations. It was in the interest of all parties involved for such issues to be resolved in a calm, cooperative and conducive environment.

107. Egypt welcomed Syria's assurance, reflected in its letter of 6 February 2011, that it would continue to work with the Agency to resolve all outstanding technical issues in accordance with its commitments, and also welcomed Syria's approval of a visit by the Agency to Homs.

108. At successive past Board meetings, his delegation, along with many others, had requested that the Secretariat address a number of important issues in its written reports. Once again, the present report contained no assessment of such issues as the consequences of Israel's continued unwillingness to cooperate with the Agency, or of the unexplained absence — or severe shortage — of high quality satellite images of the Dair Alzour site for a period of six weeks following its destruction by Israel. He requested clarification by the Secretariat in that regard.

109. His country continued to be of the view that the issues dealt with in section B of the report, on activities at other locations in Syria, related to the routine implementation of safeguards and should not

be included in the document. Such issues should be resolved via cooperation between Syria and the Agency without unwarranted interventions.

110. Although the Agency had acknowledged that it had been severely hampered in discharging its responsibilities under Syria's safeguards agreement by the unilateral use of force by Israel at Dair Alzour and the late provision of information by some Member States, it seemed to Egypt that the Secretariat had decided, despite repeated requests from Member States, not to assess the legal implications of the bombing. Its unwillingness to provide Member States with the requested comprehensive legal opinion was a matter of serious concern and should not be ignored. His delegation again requested that the Secretariat provide such an opinion or present an explanation for not doing so.

111. Mr EL AMIN (Sudan)* welcomed the letter of 6 February 2011 sent by Syria to the Agency stating Syria's commitment to continuing to cooperate with the Agency in the framework of its comprehensive safeguards agreement and the NPT.

112. Sudan also welcomed as a positive development the agreement reached on allowing Agency inspectors to visit Homs, which was a site that did not fall within the scope of the comprehensive safeguards agreement. He commended the transparency and cooperation shown by Syria in 2008 when Agency inspectors had been permitted to visit the destroyed military site at Dair Alzour, despite the fact that that site also did not fall under Syria's safeguards agreement obligations, and Syria had provided explanations and responses to the Agency's enquiries.

113. Israel's attack against the Dair Alzour site was a clear breach of the sovereignty of the Syrian Arab Republic and a flagrant violation of international law. Sudan deplored Israel's continued failure to join the NPT and submit all its nuclear facilities to Agency comprehensive safeguards. He expressed deep concern that the Israeli nuclear threat, combined with its unilateral use of force, posed a serious threat to peace and security in the Middle East.

114. Despite repeated requests by a number of Member States, the Director General's report failed to contain a detailed assessment of Israel's failure to cooperate with the Agency in providing the necessary information to clarify aspects of the case.

115. Sudan welcomed the continued cooperation between Syria and the Agency and looked forward to a return in due course to safeguards issues in Syria being addressed on a routine basis.

116. In the interests of preserving peace and stability in the region, Sudan called on all Member States to adopt fair and just positions, refrain from double standards and avoid jeopardizing the professionalism and credibility of the Agency.

117. Ms GOICOCHEA ESTENOZ (Cuba)* concluded from the report that the Secretariat could not exclude the possibility that the facility destroyed by Israel's bombardment had been a non-nuclear military installation, as maintained by Syria. Also, the Secretariat could not prove that Syria's efforts to obtain pumping equipment, graphite and barite were not civilian and non-nuclear in nature. Nor could the Secretariat be certain that the anthropogenic natural uranium particles found at the Dair Alzour site did not originate from the missiles used by Israel to destroy the building.

118. Her delegation felt that the report lacked balance. The report called repeatedly for more cooperation from Syria while making only an oblique and timid reference to the need for cooperation from Israel, with no reference at all being made to other States. Such approaches damaged the credibility of the documents presented to the Board and had a devastating effect on the international community's confidence in the Agency's seriousness and impartiality.

119. Cuba's views on the matter were well known. It condemned the double standards shown in the treatment of the issue and the complacent policies shown by many countries towards Israel, the country that had attacked the Dair Alzour site. Israel was the only country in the region that was not party to the NPT and had openly declared its possession of nuclear weapons, an admission that Cuba — a State committed to comprehensive disarmament — had found to be an insult.

120. Her delegation stressed the need to differentiate between voluntary, confidence-building measures and those which were obligatory under safeguards agreements. It was Syria's prerogative to decide whether to grant Agency inspectors access to its military installations. Syria's sovereignty could not be breached by demanding that it sign an additional protocol as that was a voluntary action on the part of a State.

121. She called on the Board and the Security Council unequivocally to condemn Israel's bombardment of the Dair Alzour site and its lack of cooperation with the Agency, and to require that its authorities provide all the necessary information and access by Agency inspectors to its nuclear installations. That would enable clarification of the origin of the anthropogenic natural uranium particles found at the Dair Alzour site.

122. Her delegation acknowledged the cooperation provided by Syrian authorities to the Agency, as demonstrated once again by the access to Homs given to inspectors. Cuba hoped that such confidence-building measures would lead to closure of the issue, which was the subject of political manipulation by a group of countries.

123. Mr AL-SABBAGH (Syrian Arab Republic)* said that, on 18 November 2010, the Director General had sent a letter to Syria's Minister for Foreign Affairs regarding cooperation with the Agency. On 6 February 2011, the Minister for Foreign Affairs had replied, reiterating his country's commitment to work with the Agency to resolve all outstanding technical issues in accordance with Syria's obligations under the Agency's Statute, the NPT and Syria's safeguards agreements. Further, the letter clarified Syria's position of: condemnation of Israel's attack on Syria's sovereign territory and destruction in September 2007 of a non-nuclear military building under construction; regret that the international community had not condemned that attack; and astonishment that, eight months after the attack, one State had provided the Agency with information including allegations as to the nature of the destroyed site.

124. Previous Agency reports, such as that contained in document GOV/2008/60, had stated that the Agency had been severely hampered in discharging its responsibilities under the NPT by the unilateral use of force and by the late provision of information concerning the building at the Dair Alzour site and that, 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 more time and resource consuming. Thus, for the matter to have been addressed in a balanced and objective way, the State that had provided the information and which claimed to be eager for the Agency to address the issue, should have done so before the building at Dair Alzour was destroyed, not eight months after. Of course, Syria would not have expected Israel to do so because it was used to committing acts of aggression in the region without being held accountable.

125. Syria, on the other hand, had been keen to cooperate with the Agency. In June 2008, it had allowed Agency inspectors to visit the Dair Alzour site and take environmental samples from the site and from all the buildings around it. Also, Syria had successively responded to all the questions raised by the Agency in that connection.

126. The Agency now had a clear mandate to initiate verification activities in Israel to determine the source of the contamination resulting from the Israeli missiles and the materials it had used in destroying the site. Israel's continued non-cooperation with the Agency's requests, its development of

nuclear capabilities outside any international control and its disregard for all calls for the creation of a nuclear-weapon-free zone in the Middle East were extremely dangerous in that they threatened the credibility of the non-proliferation regime. He stressed the need for the Director General's reports to include an assessment of Israel's refusal to cooperate with the Agency so that the Board could take a firmer line on that matter.

127. In relation to section B of the report, the Director General of the Syrian Atomic Energy Commission had sent a letter to the Directory General of the Agency on 9 February 2011, informing him that the Agency's request to visit Homs had been approved and that the detailed arrangements for activities and the date of the visit would be agreed upon between both sides, taking into consideration that the Homs location fell outside the scope of Syria's safeguards agreement. During subsequent meetings held in Vienna, agreement had been reached on those arrangements and the date scheduled for 1 April 2011. His delegation considered that once that visit, along with the routine visit to the MNSR scheduled for the same month, had been completed, the plan of action agreed on 3 September 2010 would also have been completed. That would mean a return to the routine implementation of safeguards and no further need for the matter to be included in the Director General's reports.

128. He concurred with the report's conclusion that the letter from Syria's Minister for Foreign Affairs, together with the letter saying that Syria had approved the Homs visit, could represent a step forward; it did indeed represent a step towards removing the item from the Board's agenda.

129. Syria had always been eager to provide the Agency with full cooperation in accordance with its safeguards agreement and was committed to the path of peaceful diplomatic dialogue in resolving all issues. It welcomed the support of those States that agreed with such a positive and constructive approach.

130. His delegation did not feel that it was appropriate for the Director General, in his report, to urge Syria to bring into force an additional protocol as it served to blur the boundaries between Member States' legal obligations under their NPT safeguards agreements and any voluntary undertakings, which were the sovereign decision of each State. He drew attention in that regard to the emphasis placed by the 2010 NPT Review Conference on the voluntary nature of accession to the additional protocol.

131. Finally, in the interests of confidentiality, he requested that the report contained in document GOV/2011/8 not be made public.

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

133. Several members had expressed concern that, since Syria had ceased cooperation with the Agency's investigations into the Dair Alzour site and related locations in 2008, the Agency had not been able to make any progress towards resolving the outstanding issues. They had indicated that the lack of completeness of Syria's statements, and the repeated refusal to provide the Agency with all the additional information and supporting documentation regarding the destroyed building at the Dair Alzour site, and Syria's denial of access to all of the locations requested by the Agency, had impeded the Agency's ability to confirm the nature of the site. They had noted with concern the statement in the report that, with time, some of the necessary information might deteriorate or be lost entirely.

134. Some members had requested the Director General, in light of the continued lack of cooperation from Syria, to provide to the Board his best assessment of the nature of the destroyed facility at the Dair Alzour site.

135. Several members had noted that the Director General had received a letter from the Syrian Foreign Minister on 6 February 2011 indicating that Syria would continue to work with the Agency, and they expected that to be followed by concrete steps by Syria to resolve the outstanding issues. A view had been expressed that, in the absence of Syria's full cooperation, the Board should consider appropriate action in that regard to preserve the credibility of the Agency verification system.

136. Several members had noted that the report by the Director General contained no new information on the issue of the Dair Alzour site and they had queried the rationale behind issuing such a report. They had also noted Syria's statement that the destroyed building and the current facility on the Dair Alzour site were non-nuclear military installations.

137. Several members had noted the Director General's statement that there was no limitation in a comprehensive safeguards agreement on the Agency's access to information, activities or locations simply because they might be military related, and they had called upon Syria to fulfil its obligations, taking into account the fact that the Agency had offered Syria the opportunity to establish the necessary modalities to manage access to sensitive information and locations.

138. Several other members had stressed that access to information, activities and locations must be provided in accordance with Syria's safeguards agreement.

139. Several members had reiterated the view that, while considering the 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 was severely hampered in discharging its responsibilities under Syria's safeguards agreement by the unilateral use of force by Israel, and by the late provision of information to the Agency concerning the building at the Dair Alzour site.

140. They had condemned the attack by Israel against the building as a flagrant violation of the UN Charter and of Syria's sovereignty. Several members had regretted that the Board had still not expressed itself clearly on that matter.

141. Several members had called on all States, including Israel, which might possess information relevant to the Agency's investigation, including satellite imagery, to make such information available to the Agency. They had further called on Israel to cooperate fully with the Agency in providing it with comprehensive information on the nature of the materials used by Israel in its attack on the Dair Alzour site.

142. Several members had reiterated their request that future reports by the Director General on the issue contain the Agency's assessment of specific relevant points and queries that they had raised over 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 did not address such issues and requested clarification on the matter.

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

144. Several members had emphasized the distinction between the legal obligations of States in accordance with their respective safeguards agreements, and voluntary measures which did not constitute legally-binding safeguards obligations.

145. With respect to the MNSR in Damascus, several members had noted with concern that the inconsistencies between Syria's declarations and the Agency's findings remained unresolved. They had called on Syria to cooperate fully in implementation of the plan of action which had been agreed with the Agency in 2010 in order to resolve all the remaining questions without delay.

146. Several members had encouraged the ongoing cooperation between Syria and the Agency in the implementation of safeguards with respect to the MNSR. They had welcomed in that regard the letter by Syria's foreign minister of 6 February 2011 and Syria's subsequent approval of the Agency's proposed visit to the Homs site, and considered that a positive step in resolving all outstanding issues related to the implementation of Syria's safeguards agreement. They had looked forward to addressing the matter in the context of the routine implementation of safeguards in Syria. Several other members had requested Syria to provide unrestricted access to the Agency to the requested locations at Homs and to enable the Agency to perform the necessary activities at those locations.

147. 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.

148. Several members had requested that the Director General continue keeping it informed of developments as appropriate.

149. He took it that his summing-up was acceptable to the Board.

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

151. The CHAIRMAN noted that there had been requests to make public the report of the Director General contained in document GOV/2011/8. However, as there was no consensus on the matter, the report would not be made public.

5. Assurance of nuclear fuel supply (GOV/2011/9, 10 and Add.1, and 16)

152. The CHAIRMAN noted that the item in question had been included in the agenda pursuant to a request received from the Governor for the United Kingdom on behalf of a group of Member States, which was contained in document GOV/2011/9. Document GOV/2011/10 and Add.1 thereto contained a proposal by a number of Member States for the assurance of supply of enrichment services and LEU for use in nuclear power plants. A draft resolution had also been put forward by a number of Member States, which was contained in document GOV/2011/16.

153. Mr SMITH (United Kingdom), introducing the proposal, said that for several years his country had been engaged in the elaboration of a proposal for a nuclear fuel assurance, the concept for which had first been set out in broad terms in a paper submitted to the Board in 2006 (GOV/INF/2006/10). Since that time, in the course of consultations and discussions, inter alia at the conference on multinational approaches to the nuclear fuel cycle hosted by the British Prime Minister in 2009, that concept had benefited from the questions, suggestions and clarifications that had been put forward by many Member States. His country was grateful to those Member States that had helped bring greater

clarity and simplicity to the proposal, for which the he was now seeking the Board's approval. The United Kingdom was also grateful to those Member States that had expressed support for the proposal and had encouraged his country to bring it to the Board, as well as for the support that had been received from the Secretariat.

154. To sum up the proposal, a supplier State Government would enter into an agreement with a State receiving nuclear fuel services confirming that it would not interrupt the supply of those services for non-commercial reasons. The Agency would be a co-signatory to the agreement, with the primary role of confirming that non-proliferation commitments were being met.

155. In its 2005 report (INFCIRC/640), the preceding Director General's expert group on multilateral approaches to the nuclear fuel cycle had set out a three-tier vision of how assurances of supply might be provided: Tier 1 arrangements would seek to improve market mechanisms; Tier 2 would secure greater assurances at Government level; Tier 3 would involve the provision of physical stockpiles.

156. The nuclear fuel assurance mechanism before the Board was designed to be complementary to previously agreed initiatives or any future ones. It fell within the second tier of the concept outlined in the 2005 report and was complementary to concepts which fell within the first and third tiers. It was also entirely voluntary.

157. A nuclear fuel assurance would not change or undermine a State's right to develop nuclear energy for peaceful purposes as enshrined in Article IV of the NPT. It would simply be one of a menu of options serving as a further confidence-building measure for States interested in launching or expanding a nuclear power programme, and it was fully in line with Article III of the Agency's Statute.

158. In developing its concept for a nuclear fuel assurance, the United Kingdom had drawn on its several decades of familiarity with the business of civil uranium enrichment. The proposal it was putting forward was entirely generic; it was not limited to specific States or specific operational arrangements. In principle, it was open to any Member State that felt it had value. It was designed for States party to the NPT, but its provisions in no way impinged on the rights of Member States as laid down in the Statute.

159. Addressing some issues that had arisen in the consultations, he noted that the role of the Agency in the agreement was important, but it was not onerous or resource intensive. The Agency had been, and would remain, central to all international efforts to explore and move forward multilateral approaches to the nuclear fuel cycle. In the case in question, the Agency would assist Member States in setting up a nuclear fuel assurance through its knowledge of the standard agreement and its ability to ensure a consistent, straightforward approach. The amount of staff time spent on each agreement would be minimal and the Agency would assume no additional liabilities as co-signatory.

160. Furthermore, the nuclear fuel assurance would not influence or distort the commercial market in any way. Contracts would always be negotiated freely on commercial terms. There were no barriers to supplier States wishing to offer an assurance, and doing so would require minimal resources. Where such an agreement was concluded, the terms of the supply contract underpinning it would be fundamental and would embrace any specific conditions covered under existing bilateral or other agreements between the supplier and recipient States.

161. In approving the proposal before it, the Board would be making a useful contribution to the options for fuel assurance that could help promote the safe and peaceful use of nuclear energy. The concept raised no substantive issues of resources, liability or conflict with other initiatives and existing rights. He therefore invited the Board to approve the actions set out in paragraph 15 of document GOV/2011/10.

162. Mr SOLTANIEH (Islamic Republic of Iran)*, speaking on behalf of the Group of 77 and NAM, reiterated the views and concerns expressed in previous meetings of the Board in 2009 and 2010 on the issue under discussion. There was a need to address thoroughly the technical, legal, economic and political aspects of the matter in order to ensure that any proposal that emerged was in full accordance with the Statute and took into account the legal obligations of Member States and the principle of non-discrimination.

163. The multifaceted nature of the issue required meticulous discussion in an open-ended format since it had a direct impact on the peaceful use of nuclear energy, making in-depth consideration by the entire membership of the Agency desirable with a view to arriving at a consensus.

164. Proliferation concerns must not be allowed to restrict the inalienable right of all States to develop all aspects of nuclear science and technology for peaceful purposes, as laid down in the Statute, and in particular the right to pursue national nuclear fuel capabilities, including enrichment.

165. Any further consideration of assurance of supply must be based on an agreement among the Agency's membership on a coherent and comprehensive conceptual framework outlining the specific political, technical, economic and legal parameters, adequately addressing the views and concerns of all Member States and applying to all the various proposals. That would help avoid confrontation and division in the Agency's membership and the Board which would impact negatively on the credibility of the Agency.

166. Many questions raised by the Group of 77 and NAM had not yet been satisfactorily addressed, so any proposal should be considered only after extensive efforts to reach consensus. While any Member State had the right to put forward a proposal or resolution, it should avoid polarizing or politicizing the Agency. Furthermore, any proposal should be based on objective eligibility criteria. Any decision by the Board would have an impact on all Member States and should take into consideration the interest of those States. It should not be merely donor-driven and should not allow external influence on the Agency's work that would jeopardize its independence, credibility and integrity.

167. With regard to the specific proposal before the Board, the Group of 77 and NAM would have preferred that there be a full discussion of the following aspects: the legal and technical necessity of the Agency being a co-signatory to the agreement; the content of the obligations imposed in the agreement on the supplier and recipient States; the nature of and justification for the eligibility criteria laid down for recipient States; the conditions under which the supplier could revoke or suspend the proposed export licence; the possible implications of the proposal for the right of States to pursue national nuclear fuel capabilities, including enrichment; and the potential costs for the Agency.

168. In conclusion, he noted that consultations were still ongoing on the appropriate framework for further discussions of the issue. The Group of 77 and NAM continued to believe that an open-ended working group was the best forum and requested the Chairman to continue his efforts to achieve consensus in that regard.

169. Mr CSUDAY (Hungary)*, speaking on behalf of the European Union, the candidate countries Croatia, Iceland, Montenegro and the former Yugoslav Republic of Macedonia, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, and Serbia, as well as Ukraine, the Republic of Moldova and Armenia, said that the Secretariat and Member States had been exploring the issue of multilateral approaches to the nuclear fuel cycle since 2003. Such approaches could not only bring important benefits for energy security without distorting the functioning of the commercial market, but also help meet non-proliferation goals. A number of complementary proposals had been put forward and two — both of them strongly supported by the EU — had already been approved by the Board.

170. The United Kingdom had first put forward its proposal for a virtual fuel assurance based on a government-to-government guarantee in 2006, and the concept based on the principle of non-interruption of commercial contracts for fuel enrichment services had been outlined in documents INFCIRC/707 in 2007 and GOV/INF/2009/7. The current proposal had been worked out in close consultation with the Secretariat and interested Member States. It was designed to reinforce existing market mechanisms and complement other initiatives in that area. It was entirely voluntary and would not distort the functioning of the commercial market or disadvantage those States which chose not to join the mechanism. It was also straightforward to introduce and involved little or no cost to the parties involved.

171. The proposed nuclear fuel assurance was based on a model agreement between supplier and recipient States and the Agency which set out the conditions for access to the mechanism and detailed the respective undertakings of the parties. The supplier State undertook not to interrupt the supply of enrichment services and LEU, making no additional demands beyond compliance with international obligations and published export licensing standards, including domestic legislation and the published principles laid down under that legislation. The Agency's role was to confirm that the recipient State continued to comply with the eligibility criteria set out in the agreement, including the application of comprehensive safeguards.

172. As a sponsor of the proposal, the EU commended it to the Board as a development that provided a positive addition to the menu of options available. In its current form, the proposal focused on the supply of enrichment services and LEU, but it could be developed in the future — if the Board so decided — to include other services such as fuel fabrication. The EU had supported the United Kingdom in an extensive outreach campaign to engage Member States in discussions on the concept, and to help develop the proposal. The EU had been heartened by the generally positive response and hoped that the proposal, and the associated draft resolution, would be adopted by consensus.

173. Ms GOICOHEA ESTENOZ (Cuba)*, speaking on behalf of GRULAC, reiterated that no initiative relating to nuclear fuel assurances should impinge on the inalienable right of States to the peaceful use of nuclear energy enshrined in Article IV of the NPT. The issue was a complex one requiring in-depth discussion of the technical, legal, administrative, political and commercial aspects and the budgetary implications for the Agency. The Group recommended the adoption of a conceptual framework setting out clear principles and objectives against which the initiative under consideration could be judged. GRULAC was ready to work constructively on the issue in an open-ended working group where frank and comprehensive discussions could take place on aspects still requiring detailed analysis.

174. Ms TAN (Singapore) said that her country had studied the proposal contained in document GOV/2011/10. It had presented its views on the issue of assurance of supply at the December 2010 meetings of the Board.

175. The international nuclear fuel market appeared to be functioning well. However, any nuclear power plant programme was an extremely long-term commitment and it was important for countries that were already dependent on nuclear energy, or those considering adding nuclear power to their energy mix, to have assurances that the supply of nuclear fuel would remain constant and predictable.

176. In that context, Singapore was open to the discussion of assurance of supply proposals. Each proposal was different and must be assessed on its own merits. If such a proposal was submitted to the Board for adoption, it should be the product of genuine consultations that took into account the interests, concerns and obligations of all relevant parties, including both recipient and supplier States. Any implications for the Agency should also be duly considered.

177. With regard to the specific proposal before the Board, she thanked the United Kingdom for having briefed as many Member States as possible on it. Right from the start, her country had brought forward its concerns, including the importance of ensuring that entering into any such agreement did not impinge on the right of Member States to establish or expand their own national fuel cycle production capacity. Signing the agreement should also not affect the right of Member States to have access to LEU banks that had been established, in particular under the auspices of the Agency. She thanked the United Kingdom for adding language in the proposal to address those issues. Other concerns that had been raised were: the role of the Agency in what was essentially a bilateral agreement; the fact that the model agreement elaborated on the obligations of recipient States but was largely silent about the obligations of supplier States if there was a breach in the contract; and the possible cost implications for the Agency.

178. While her country was grateful to the United Kingdom for taking into consideration some of the comments that had been made, it felt that more time should be allowed to clarify outstanding questions and ensure that the proposal was robust. Some Member States continued to have fundamental reservations about assurance of supply proposals because of suspicions of hidden agendas. Another significant group of Member States, while not opposed to the concept of such assurances, was not yet fully convinced of their utility and benefits. Allowing more time for discussion would promote better functioning of the Board and help build trust among Member States. Sincere and transparent dialogue and consultations were important for all issues considered by the Board.

179. Mr QUEISI (Jordan), having welcomed the proposals that had been put forward by a number of Member States and the Director General regarding the establishment of assurance of supply mechanisms, said that constructive and objective dialogue was needed to help Member States develop nuclear programmes that were safe, sustainable, cost-effective and efficient. His country encouraged all Member States to discuss the proposals in a serious manner so as to widen the perspectives and options available with respect to assurance of supply. All aspects of the proposals should be studied thoroughly and extensively, particularly the technical, political and legal implications. Particular attention needed to be given to the role of the Agency in such initiatives, since it was the authority competent to oversee them. Furthermore, assurance of supply mechanisms should form part of integrated programmes that helped developing countries establish sustainable civil nuclear programmes that would cover the nuclear fuel cycle.

180. Jordan had affirmed more than once its determination to widen its options, including by purchasing nuclear fuel services on the international market, without however relinquishing its right to develop research, production and use of nuclear energy for peaceful purposes without discrimination in accordance with Article IV of the NPT. His country urged all parties to the NPT to facilitate and participate in the full exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

181. Jordan had participated in meetings related to reinforcing international cooperation on the peaceful uses of nuclear energy. It had been one of the first States to join the Global Nuclear Energy Partnership (GNEP) and had hosted meetings of the steering committee for that initiative in 2008. Also, it had hosted the first executive committee meeting of the International Framework for Nuclear Energy Cooperation (IFNEC) in 2010. Its motive in encouraging such initiatives was a genuine conviction of the need to find mechanisms to encourage international cooperation and exchange of expertise and knowledge in the nuclear sciences, with a view to establishing a true partnership among countries to overcome the main obstacles facing those wishing to introduce peaceful nuclear programmes, thus helping achieve progress and prosperity and strengthening the NPT regime.

182. Mr BERDENNIKOV (Russian Federation) said that his country had consistently supported the Agency in its work on, and had taken an active part in, multilateral approaches to the nuclear fuel cycle.

183. As early as January 2006, the President of the Russian Federation had put forward an initiative to establish a global infrastructure which would allow equal access for all interested parties to nuclear energy. One step in the realization of that initiative had been the establishment by Russia and Kazakhstan of the International Uranium Enrichment Centre in Angarsk. Currently, Armenia and Ukraine were also participating in that enterprise. In November 2009, the Board had adopted a resolution (GOV/2009/81) on the establishment of a guaranteed reserve of LEU at the Centre. The agreement on the establishment of that reserve had entered into force on 29 January 2011.

184. Russia had also sponsored the resolution adopted by the Board in December 2010 on the establishment of an Agency LEU bank (GOV/2010/70). The Russian Federation attached great importance to the stability of fuel supplies for nuclear power plants. Its usual practice was to conclude intergovernmental agreements with interested States providing for the supply of fuel for Russian-designed nuclear power plants throughout the operating life of those plants.

185. Russia supported the proposal contained in document GOV/2011/10 and was sponsoring the draft resolution contained in document GOV/2011/16. He noted that the proposed assurance of supply mechanism would be voluntary and that it did not impinge on the right of States party to the NPT to use nuclear energy for peaceful purposes, nor did it impact on the commercial nuclear material market. Furthermore, Article IV.1.(ii) of the proposed model agreement provided that the mechanism was to be implemented in accordance with the existing domestic legislation of the parties. He commended the efforts of the United Kingdom in preparing the proposal.

The meeting rose at 5.50 p.m.