

IAEA Board of Governors

Record of the 1311th Meeting
GOV/OR.1311

Implementation of the NPT safeguards agreement in the Syrian Arab
Republic

Other matters arising from the fifty-third (2009) and
fifty-fourth (2010) regular sessions of the General Conference:
(a) Application of IAEA safeguards in the Middle East

Board of Governors

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Record of the 1311th Meeting

Held at Headquarters, Vienna, on Wednesday, 14 September 2011, at 3.05 p.m.

Contents

Item of the agenda ¹	Paragraphs
5 Nuclear verification	1–171
(c) Implementation of the NPT safeguards agreement and relevant provisions of United Nations Security Council resolutions in the Islamic Republic of Iran (<i>continued</i>)	1–103
(d) Implementation of the NPT safeguards agreement in the Syrian Arab Republic	104–158
6 Other matters arising from the fifty-third (2009) and fifty-fourth (2010) regular sessions of the General Conference	159–171
(a) Application of IAEA safeguards in the Middle East	

¹ GOV/2011/60.

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)
Mr CURIA	_____	Argentina
Mr POTTS		Australia
Mr VALLIM GUERREIRO		Brazil
Mr GABCHE		Cameroon
Mr BARRETT		Canada
Mr BERGUÑO HURTADO		Chile
Mr HUANG Wei		China
Ms BOZENHARDOVÁ		Czech Republic
Mr BERNHARD		Denmark
Mr ROSENBERG GUERRERO		Ecuador
Mr MONDOLONI		France
Mr LÜDEKING		Germany
Mr ASHRAF		India
Mr GHISI		Italy
Mr NAKANE		Japan
Mr QUEISI		Jordan
Ms OKOTH		Kenya
Mr CHO Hyun		Korea, Republic of
Mr ENKHSAIKHAN		Mongolia
Mr HAMER		Netherlands
Mr SOUMANA		Niger
Mr ANWAR		Pakistan
Mr GARCÍA CASTILLO		Peru
Mr MARCELO CURTO		Portugal
Mr BERDENNIKOV		Russian Federation
Ms TAN		Singapore
Mr MABHONGO		South Africa
Mr CHAABANI		Tunisia
Ms MYKOLAICHUK		Ukraine
Mr ALKAABI		United Arab Emirates
Mr SMITH		United Kingdom of Great Britain and Northern Ireland
Mr DAVIES	}	United States of America
Mr WOOD	}	
Mr UZCÁTEGUI DUQUE	}	Venezuela, Bolivarian Republic of
Mr CASTILLO PARRA	}	
Mr AMANO	_____	Director General
Mr CSERVENY		Secretary of the Board

Representatives of the following Member States also attended the meeting:

Afghanistan, Albania, Algeria, Angola, Austria, Belarus, Bulgaria, Burkina Faso, Costa Rica, Cuba, Cyprus, Egypt, Estonia, Finland, Guatemala, Holy See, Hungary, Indonesia, Islamic Republic of Iran, Iraq, Ireland, Israel, Kuwait, Lebanon, Liechtenstein, Lithuania, Malaysia, Mexico, Morocco, New Zealand, Norway, Oman, Philippines, Poland, Qatar, Romania, Saudi Arabia, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, Vietnam, Yemen, Zimbabwe.

Abbreviations used in this record:

DPRK	Democratic People's Republic of Korea
EFTA	European Free Trade Association
FFEP	Fordow Fuel Enrichment Plant
FMP	Fuel Manufacturing Plant
LEU	low-enriched uranium
LOFs	locations outside facilities
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
NPT Review and Extension Conference	Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
R&D	research and development
UCF	Uranium Conversion Facility

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

5. Nuclear verification

(c) Implementation of the NPT safeguards agreement and relevant provisions of United Nations Security Council resolutions in the Islamic Republic of Iran (continued) (GOV/2011/54)

1. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) said that his country upheld the sovereign right of every State to develop nuclear science and technology for peaceful purposes in accordance with the NPT and the Agency's Statute, without discrimination, and in line with the relevant legal obligations.
2. He noted that the Director General's report again confirmed that declared nuclear material in Iran was being used for peaceful purposes. The report also made reference to certain areas where Iran was apparently not complying fully with its obligations, inter alia in connection with implementation of the additional protocol and suspension of activities related to enrichment and heavy water. However, it was clear from the explanations provided by Iran on repeated occasions that the additional protocol had been implemented on a voluntary basis and did not constitute a legal obligation.
3. A clear distinction must be drawn between Member States' obligations and measures they took on a voluntary basis to build confidence. In the search for a solution to the Iranian nuclear issue, it was important to recognize the voluntary steps Iran had taken to provide the international community with greater assurances of the exclusively peaceful nature of its nuclear programme.
4. With the cooperation of the Russian Federation, Iran had recently commissioned its first nuclear power plant at Bushehr, the result of mutual confidence and respect between two States that had the expertise and technological knowledge to develop nuclear energy for peaceful purposes. Venezuela did not understand the attitude of some States that had criticized and attempted to obstruct the construction and commissioning of the plant.
5. Iran had confirmed before the Board its commitment to the peaceful use of nuclear energy. It was ironic that those States that criticized and pointed the finger at Iran maintained a passive attitude towards Israel, the only country in the Middle East that had not acceded to the NPT, nor expressed its willingness to do so.
6. Venezuela welcomed the invitation extended by Iran to the Deputy Director General for Safeguards to visit various nuclear facilities, including an R&D facility for advanced centrifuges. That visit had provided an opportunity for dialogue with the Iranian authorities on subjects related to Iran's nuclear programme. Iran's initiative in that connection was a further measure to build confidence and promote transparency.
7. Mr MABHONGO (South Africa) welcomed the important role played by the Agency with regard to Iran's implementation of its safeguards agreement and the continuous verification of Iran's declared nuclear material. He also welcomed the recent high-level discussions between Iran and the Agency in June and July 2011, and noted the recent visit to Iran by the Deputy Director General for Safeguards in August 2011, the information provided to him and the access granted to the Agency to visit installations.
8. It had previously been reported that all issues included in the work plan agreed between Iran and the Agency had been completed except for the issue of the alleged studies. His country had noted from

the Director General's report that the Agency had received further new information in connection with the outstanding issues. In that regard, it hoped that the information in question had been authenticated and conveyed to Iran for clarification.

9. South Africa encouraged Iran to continue its cooperation with the Agency and to clarify the outstanding issues in order to restore confidence in its nuclear programme. It encouraged all parties concerned to avoid any actions that could derail progress towards finding a sustainable solution to the Iranian nuclear issue and supported the view that continued dialogue and political goodwill could contribute to a peaceful resolution.

10. Mr QUEISI (Jordan) said that his country had always emphasized the need to give the Agency an opportunity to find a peaceful solution to the Iranian nuclear issue through diplomatic means, given that it was the only international organization with the competency and mandate to implement comprehensive safeguards agreements. There should be no threat of use of force, but rather a clear statement that all States had the right to carry out nuclear research while complying with their international obligations.

11. Jordan again called on Iran to respect its commitments under its Agency safeguards agreement and the modified Code 3.1 of its Subsidiary Arrangements, and to notify the Agency of any decision connected with its nuclear facilities.

12. Any nuclear facility in the Middle East not under comprehensive safeguards posed a threat to regional peace and security. Jordan was working ceaselessly to strengthen stability in the region, rid it of weapons of mass destruction and ensure that all nuclear facilities were under Agency safeguards.

13. The report indicated that Iran had cooperated with the Agency's inspectors and shown greater transparency regarding certain sites. Jordan encouraged Iran to continue such cooperation in order to build confidence in the peaceful nature of its nuclear programme, thus enabling the Agency to verify the non-diversion of nuclear material, resolve all remaining issues related to Iran's nuclear programme and exclude the possibility of any military dimensions.

14. Mr ALKAABI (United Arab Emirates) said that, in 2008, his country had adopted a detailed policy on the development of a peaceful nuclear energy programme which highlighted its commitments related to the use of nuclear energy. The policy endorsed the principles of complete transparency, commitment to the highest standards of non-proliferation and full cooperation with the Agency as fundamental. Peaceful nuclear energy was likely to contribute significantly to the future energy mix in the United Arab Emirates and globally.

15. His country recognized the fact that the right to develop and use peaceful nuclear technology came with great responsibility and obligations, including full commitment to non-proliferation and Agency safeguards. Consequently, it believed that it was a State's obligation to respond to the concerns of the Agency and the international community adequately and in a manner that fully addressed outstanding concerns.

16. Like every other country, Iran had the right to use and develop peaceful nuclear technology. In return, it was obliged to implement fully its comprehensive safeguards agreement and other relevant international requirements, including resolutions of the Board of Governors and the United Nations Security Council.

17. His country welcomed the Agency's ongoing efforts to verify the non-diversion of declared nuclear material at nuclear facilities declared by Iran under its safeguards agreement. However, it was still deeply concerned that the Agency was unable to provide credible assurances regarding the absence of undeclared nuclear material and activities and thus to conclude that all nuclear material in the country was in peaceful activities.

18. It took note with concern that Iran had still not suspended its enrichment-related activities, including R&D on advanced centrifuges, and thus continued to be in violation of resolutions of the Board and the Security Council.

19. It was regrettable that the Agency was still awaiting further substantive information from Iran in connection with its earlier announcements concerning the construction of ten new uranium enrichment facilities. According to Iran, the site for five of those facilities had been decided upon, and the construction of one was to have begun by or soon after 20 March 2011.

20. His country was concerned that the Agency was still waiting to receive updated design information from Iran for the IR-40 reactor, as well as information on statements that Iran had made concerning the design of a reactor similar to the Tehran research reactor.

21. It shared the view that Iran remained bound by the modified Code 3.1 of the Subsidiary Arrangements General Part to its safeguards agreement. Iran remained the only State with significant nuclear activities which was not implementing the provisions of the modified Code 3.1. That was a matter of deep concern, as was Iran's lack of transparency regarding multiple announcements of plans to construct new enrichment facilities.

22. His country welcomed the fact that Iran had granted the Agency access to an installation where R&D on advanced centrifuges was taking place. It encouraged Iran to take further transparency measures and address fully the Agency's request that it provide information on and access to all locations used for the manufacture and storage of centrifuges.

23. Nonetheless, it was concerned at the fact that the Agency's knowledge about Iran's enrichment activities continued to diminish as a result of Iran not providing information as requested by the Agency, including information related to its announcement that it possessed laser enrichment technology, and at the fact that Iran had not permitted the Agency access to relevant locations related to the manufacture and storage of centrifuges.

24. His country shared the Agency's increasing concern about the possible existence in Iran of past or current undisclosed nuclear-related activities involving military-related organizations, including activities related to the development of a nuclear payload for missile, about which the Agency continued to receive new and credible information.

25. The Board had regularly called on Iran to engage actively with the Agency in order to resolve fully the long outstanding concerns over the nature of its nuclear programme, with the aim of ruling out the existence of any possible military dimension. That call had been endorsed by Security Council resolutions which called on Iran to take the steps required to allay those concerns by providing access without delay to all sites, equipment, persons and documents as requested by the Agency.

26. Her country took note with extreme concern of information highlighted in the current and previous reports, which still needed clarification, to the effect that there were activities in Iran that could directly, or in some cases exclusively, contribute to the development of a nuclear weapon. It welcomed the Agency's efforts to acquire information on that issue and urged the organization to continue to gather information from various Member States as well as through its own efforts. It noted and welcomed the Director General's statement that he planned to provide greater detail on the basis for the Agency's concerns in the near future.

27. The United Arab Emirates welcomed and supported the Director General's efforts to engage on the issue using all diplomatic means and took note of his high-level meetings with Iran's officials, recalling the importance of cooperation with the Agency to resolve the issue.

28. In conclusion, his country recalled that Member States party to the NPT, including Iran, had acknowledged their non-proliferation obligations at the recent 2010 NPT Review Conference. It now urged Iran to live up to those obligations. It called on Iran to abide by its commitments and engage fully with the Agency on all necessary matters to resolve the outstanding concerns with regard to its nuclear programme without any further delays. It encouraged Iran to respond to and address fully the Agency's request that it take all necessary steps to allay outstanding concerns regarding a possible military component of its nuclear programme. His country was convinced that Iran's fulfilment of its international obligations and its full cooperation with the Agency, along with the implementation of important measures such as the additional protocol and the modified Code 3.1, would enhance the confidence of the international community in the peaceful nature of its nuclear programme.

29. Mr BARRETT (Canada) said that his country remained seriously concerned at Iran's ongoing failure to meet its international obligations, and at that fact that Iran was not providing the cooperation needed to permit the Agency to conclude that all nuclear material in the country was in peaceful activities. Rights to a civil nuclear programme came with international obligations with which all States, including Iran, must comply.

30. Deliberately and provocatively contrary to decisions by the Board of Governors and the United Nations Security Council, Iran continued to expand rather than suspend its enrichment activities. It had not suspended its heavy water-related activities and also remained the only State with significant nuclear activities and a comprehensive safeguards agreement in force which refused to implement the modified Code 3.1 of the Subsidiary Arrangements to that agreement. It had not provided sufficient information about the original purpose and chronology of the FFEP, nor had it not provided information regarding its announced plans for the construction of new enrichment facilities and reactors.

31. Canada remained extremely concerned that issues related to possible military dimensions of Iran's nuclear programme remained unresolved. It did not believe that activities carried out by Iran, such as experiments involving neutron initiation, or exploding bridgewire detonator studies, were peaceful applications. It could only set aside that disbelief if the Agency was able verify the correctness and completeness of Iran's declarations. As the latest report by the Director General — like many reports before it — stated, the Agency could not do so because Iran would not live up to its international obligations.

32. Repeated changes in the function of the Fordow facility, and Iran's recent decision to triple its production of 20% enriched uranium, had heightened Canada's concerns. His country could not see a plausible peaceful use for such a volume of enriched uranium which took Iran even closer to having a stockpile of weapons-grade material.

33. In order to allow the Agency to reach a final safeguards conclusion and restore confidence in the peaceful nature of Iran's nuclear programme, Canada urged that country promptly to provide all necessary cooperation, information and access to the Agency, and to implement the provisions of its additional protocol.

34. Until credible assurances could be provided regarding the absence of undeclared nuclear material, safeguards activities in Iran should not return to routine operations and the issue must remain on the agenda of the Board. His country fully supported the Director General and the Agency and strongly encouraged them to continue their diligent efforts to investigate Iran's nuclear activities, particularly any possible military dimensions, and to provide further assessments to the Board.

35. Finally, given the ongoing and broad interest in the Iranian nuclear issue and the importance of the principles of transparency and compliance, and in accordance with past practice, Canada requested that the report contained in document GOV/2011/54 be made public.

36. Mr KERİMOĞLU (Turkey)* said that the Agency's international safeguards system, based on assessments of the correctness and completeness of a State's declared nuclear material and nuclear-related activities, formed an essential part of the global nuclear non-proliferation regime. In that connection, his country noted with satisfaction that the Agency continued to verify the non-diversion of declared nuclear material in Iran. However, it also noted that the Agency was still unable to provide credible assurances regarding the absence of undeclared nuclear material and activities in the country.

37. It was important that the outstanding issues relating to Iran's nuclear programme be addressed in a constructive and transparent manner and be brought to a positive resolution that restored confidence in the exclusively peaceful nature of Iran's nuclear programme without further delay. In that respect, his country welcomed the meetings held in Vienna with the Vice-President of Iran and Head of the Atomic Energy Organization of Iran and the Iranian Minister for Foreign Affairs. Those meetings had provided the Director General with an opportunity to discuss directly issues related to the implementation of Iran's safeguards agreement and other relevant obligations.

38. The trip by the Deputy Director General for Safeguards to Iran — during which he had been able to visit the Bushehr nuclear power plant, the enrichment plants at Natanz and Fordow, the IR-40 reactor and Heavy Water Production Plant at Arak, the conversion and fuel fabrication facilities at Esfahan and the R&D site for advanced centrifuges — was another notable development in the latest reporting period. Turkey welcomed Iran's cooperation during that process and particularly appreciated the role of the Agency and its Director General in pursuing dialogue and cooperation with Iran.

39. Turkey remained fully committed to a diplomatic solution to the Iranian nuclear issue through peaceful means and dialogue. As it had repeatedly underlined in the Board and elsewhere, only through a gradual process, including exploratory talks on a set of parallel actions aimed at overcoming the current impasse, was it possible to arrive at a mutually satisfactory settlement of the outstanding issues. Turkey stood ready to contribute to all constructive efforts that would ease the way for dialogue and cooperation.

40. Ms GOICOCHEA ESTENOZ (Cuba)* noted that the item under discussion continued to be on the Board's agenda owing to certain countries' attempts to put Iran in the dock to serve their geopolitical priorities and strategies in the Middle East region. Cuba rejected such attitudes, which were having a devastating effect on the credibility of the Agency and the Board.

41. Her country did not believe that it was the role of the Secretariat to make statements of a political nature of the kind found in paragraphs 2 and 3 of the introduction to the Director General's report, which statements had also been echoed in his introductory statement. Such judgements fell strictly within the competency of the Member States that funded the Agency in accordance with the scale of assessment for contributions, despite the difficult economic situation in which many found themselves.

42. Cuba was a founder member of the United Nations and was well aware of States' obligations under the United Nations Charter. The United Nations Security Council should restrict itself to the functions and responsibilities with which it was entrusted. Cuba could not accept the broadening of its powers to supplant the role of other important bodies such as the Agency.

43. Safeguards were strictly the responsibility of the Agency and their application in Iran never should have been a subject for the Security Council.

44. It was most disturbing that a group of States was constantly attempting to refer safeguards issues to the Security Council on a selective, discriminatory and political basis, while ignoring the growing threat posed by the nuclear and armaments programme of Israel to the stability and peace of

the Middle East region and to international security. Such hypocrisy was dangerous and damaged the credibility of the Agency, the Board and the General Conference.

45. Cuba welcomed the renewed cooperation and transparency shown by Iran and regretted the fact that the Director General, in his introductory statement, had minimized the importance of that collaboration.

46. It regretted the fact that certain Member States were refusing to permit the Agency to provide Iran with the information that allegedly indicated possible military dimensions to that country's nuclear programme. It was curious and contradictory that, though previous reports had stated that that refusal posed an obstacle to resolution of the issue, the current report thanked those States for providing information. Cuba shared the view of those States that had called for greater transparency on the part of those who had provided such information by allowing the relevant evidence to be submitted to Iran so that it could study it and respond to it.

47. Her country was deeply concerned that the Director General, in his introductory statement, had said that he intended to provide Member States with more detail on the basis for the Agency's growing concerns. The first step should rather be to submit the information to the State concerned. Cuba hoped that the applicable procedures for such cases were being duly respected by the Secretariat and that the impartiality which should characterize its work was being maintained.

48. The report again failed to distinguish between Member States' obligations and actions of a voluntary nature, such as application of the additional protocol. It was a principle of international law enshrined in the United Nations Charter that the signing and ratification of, and accession to international treaties was a sovereign decision. Cuba rejected efforts to reinterpret or apply conditionally the principles of the United Nations Charter.

49. Cuba appealed to the conscience of those States that were applying double standards on the issue of safeguards application to desist from such games immediately. Such hypocrisy was the main threat to world peace. Instead, peace and peaceful coexistence should be given a real chance in the interests of future generations.

50. Mr GRIFFITHS (New Zealand)* noted that the Director General's report recorded steps taken by Iran towards providing some of the outstanding information and cooperation required by the United Nations Security Council and the Board, including the granting of access to the Heavy Water Production Plant for the first time since 2005. The Director General made reference to greater transparency recently demonstrated by Iran, while noting that yet further transparency and full active engagement by Iran were also needed concerning its other nuclear activities.

51. While recent signs of cooperation by Iran were potentially encouraging, important questions remained to be answered if Iran was to address the deficit of international confidence that persisted regarding the nature of its nuclear programme. It was not sufficient to provide greater transparency about ongoing nuclear activities that binding Security Council resolutions had declared must stop. The Director General's latest report confirmed that, contrary to those resolutions, Iran was continuing its enrichment and heavy water-related activities, including tripling production of 20% enriched uranium at the underground FFEP. Iran also remained the only State with significant nuclear activities in which the Agency was implementing a comprehensive safeguards agreement which was not implementing the provisions of the modified Code 3.1 of the Subsidiary Arrangements to that agreement relating to the timely provision of design information.

52. Particularly troubling for New Zealand was the conclusion in the Director General's report that the Agency was increasingly concerned about the possible existence in Iran of past or current undisclosed nuclear-related activities with military dimensions. Earlier reports had indicated that those

activities were numerous and included some related to the development of a nuclear payload for a missile that had no known civilian purpose.

53. His country noted that the Agency continued to receive new information on those activities which was extensive, comprehensive and broadly consistent, and which had been acquired from many Member States and through the Agency's own efforts. It urged Iran to follow up on its recent discussions with the Agency by providing the necessary cooperation, including access to relevant locations, equipment, persons and documentation, in order to address comprehensively the international community's concerns about possible military dimensions to its nuclear programme.

54. New Zealand acknowledged that the Agency continued to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its safeguards agreement. At the same time, it noted that the Agency remained unable to provide credible assurances regarding the absence of undeclared nuclear material and activities in Iran. It once again called upon Iran to implement fully its safeguards agreement, the additional protocol and other relevant obligations, in order to establish international confidence in the exclusively peaceful nature of its nuclear programme.

55. Mr OTHMAN (Syrian Arab Republic)*, having expressed sympathy to France following the accident at a nuclear facility in that country, said that he was surprised that the Director General's report disregarded the cooperation shown by Iran in accordance with its international obligations. He wondered how long the Agency would continue to put pressure on Iran, which had not exceeded its rights under the NPT, which granted the inalienable right to all signatory States, including Iran, to the peaceful use of nuclear energy.

56. Despite many rounds of inspections and all the investigations carried out by Agency inspectors together with experts from Iran, the Agency had still not found any evidence that Iran was in breach of its obligations. Iran was being subjected unfairly to sanctions and pressures of all kinds with the sole intent of hampering its legitimate nuclear development. Nevertheless, Iran continued to abide by its international obligations and display transparency and goodwill in its cooperation with the Agency. He called upon the international community to recognize Iran's right to the peaceful enjoyment of the benefits of nuclear energy.

57. The manner in which the international community had been addressing the Iranian nuclear issue, and other issues, was clear evidence of the application of double standards. Why did the international community overlook Israel's nuclear capabilities, which were in contravention of international norms and by no means exclusively peaceful in purpose? Israel had violated the sovereignty of many neighbouring States with impunity. Some influential Member States were helping Israel to develop its nuclear arsenal outside any international control. Those States took the position that Israel was not a party to the NPT and could therefore be exempted from any liability; but Syria took the view that Israel had to be held accountable, as a Member State of the Agency, under the organization's Statute. The international community should bring all necessary pressure to bear to ensure that Israel acceded to the NPT and placed all its nuclear facilities under comprehensive safeguards. Such a step would contribute significantly towards the establishment of a nuclear-weapon-free zone in the Middle East.

58. Syria emphasized the importance of constructive diplomatic dialogue and an objective approach, in the interests of preserving the credibility and professionalism of the Agency in dealing with such sensitive matters. The aim of the process should be to assure the international community of the peaceful and legitimate nature of Iran's programme, while protecting the right of Iran and all Member States to the peaceful use of nuclear energy. In order to preserve the independent mandate of the Agency, the United Nations Security Council should not be involved in such technical issues.

59. Mr AZOULAY (Israel)* said that the Director General's report shed more light on Iran's continued pursuit of nuclear weapons, its lack of transparency and the clandestine nature of its nuclear programme.

60. The Board of Governors and the whole international community should not be deceived by Iran's attempt to create a façade of cooperation with the Agency, and it should not be forgotten that all the activities that the Iranian authorities had proudly presented to the Deputy Director General for Safeguards during his recent visit to Iran had been executed in complete violation and defiance of all relevant resolutions of the Board of Governors and the United Nations Security Council.

61. Iran still refused to address the Agency's concerns regarding the military dimensions of its programme. Those concerns were increasing owing to the accumulation of substantiated, credible information regarding past and current weapon-oriented activities. The report clearly stated that the information in question had been acquired from many Member States, and was also based on the Agency's own sources, and could not be dismissed by Iran as falsified.

62. The picture was clearer than ever. Iran was moving forward in its nuclear military activities and continued to enrich uranium, including up to 20%. It was continuing with the construction of its enrichment facility in Qom in complete disregard of the resolutions of the Board and Security Council calling for a halt. It had also diverted the intended use of that facility with a view to tripling its 20% enrichment capacity, and presumably raising the enrichment level even higher. It also continued to construct its heavy water reactor in Arak and produce heavy water in defiance of all relevant resolutions. Moreover, it had recently announced its intention to build another ten enrichment facilities, without yet providing the Agency with any design information.

63. Iran had also resumed operations at the UCF in Esfahan. It should be noted that, while activities pertaining to fuel assembly production for the Tehran research reactor were lagging behind, those of relevance for weapons-grade enrichment and processing of uranium were at advanced stages.

64. Those activities, together with Iran's unilateral and illegal suspension of the modified Code 3.1, and its continued refusal to ratify the additional protocol, demonstrated a persistent disrespect for the Agency and all relevant Security Council resolutions.

65. The lessons learned during the preceding eight years demonstrated that Iran's race towards the nuclear bomb had not been slowed by well-meaning resolutions of either the Board of Governors or the Security Council. Israel called on the Board to take much firmer action to confront what was a grave challenge to the international community. A most adequate step towards that goal would be an official assessment by the Agency of the military dimensions of Iran's nuclear programme, which should be the natural aim for the Board's next series of meetings.

66. Mr SOLTANIEH (Islamic Republic of Iran)* thanked NAM for its valuable support for his country's peaceful nuclear activities and offered condolences to the French delegation for loss of human life in the recent accident at one of that country's nuclear facilities. He requested briefings by the French authorities and the Agency regarding the situation at that facility, pursuant to inspections by an expert mission to the facility to review the technical aspects of the accident. His country was also waiting for detailed technical briefings on the Fukushima accident and a meeting in Vienna of eminent nuclear experts, in particular from the Fukushima facility, to discuss how to prevent such an accident occurring again, similar to the meeting held following the Chernobyl accident. He asked the Director General to respond to that request and stressed that nuclear safety information must be freely available to all Member States.

67. His country was bemused at the fact that the item in question remained on the Board's agenda, mainly owing to the composition of the Board of Governors which was dominated by a club of

Western countries seeking to deflect the Agency from its technical mandate and turn it into a United Nations watchdog conducting intrusive inspections, passing resolutions undermining the inalienable right of States to the peaceful use of nuclear energy and thus paving the way for intervention in the internal affairs of States. Iran urged developing countries and other States sharing the same views to mobilize and increase public awareness of the threat of a new colonialism under the umbrella of the Agency and the United Nations. To put an end to that dangerous game, it was important to begin by amending the article of the Statute relating to the Board of Governors, in particular changing the composition of the Board, increasing the number of its members, and modifying its mandate so that it could not decide on essential issues impacting on the entire membership, statutory functions and the independent and technical nature of the Agency. It was disappointing that the United Nations Security Council had been involved in the issue as a result of pressure by a handful of Western countries, and irrespective of the strong objection of over a hundred countries, including NAM members.

68. Despite intense political pressure from a few Western countries, the most robust programme of inspections in the history of the Agency had failed to find any evidence of diversion of nuclear material to military purposes in his country's nuclear programme. There was no smoking gun. However, that had not prevented allegations of military dimensions from certain countries — in particular the United States of America — which had prevented the case from being closed. The Agency had become embroiled in lengthy intelligence exercises going beyond its technical mandate until it proved the allegations were fabricated, as had been confirmed by the previous Director General in his reports. Furthermore, the Secretariat had been relying on questionable information from a so-called terrorist group and American and Israeli intelligence services, which had been dealing with the Department of Safeguards almost on a routine basis. He asked how the Agency could compensate for the serious damage to its credibility caused by such events.

69. The release of confidential information relating to Member States, which endangered their national security, was a matter of serious concern. His country appealed to the majority of Member States to ensure that that practice did not continue. He had aired his country's concern with the Agency's External Auditor but was still awaiting a response.

70. Iran was in favour of establishing a team of inspectors from geographically dispersed States to investigate interaction between intelligence services and the Agency, the people implicated and whether permanent missions had been involved or not, since that would be in contravention of the spirit and letter of the Statute.

71. In March 2011, he had requested the Director General to take action with regard to the equipping of non-nuclear-weapon States in Europe with nuclear weapons and delivery systems by the United States of America, which was a breach by the United States of its non-proliferation obligations. In his letter to the Director General, he had asked if the Agency had been notified of the exact location and amount of weapons-grade nuclear material in those non-nuclear-weapon States and whether or not the Agency had verified it. Secondly, he had asked Director General to investigate the technical specifications and location of nuclear weapons in Europe, specifically in non-nuclear-weapon States, which were bound by international obligations to refrain from deploying them. Thirdly, he had asked the Director General to report all non-compliance by the United States and the European host countries with their obligations under the NPT, which was an undoubted serious threat to global peace and security. Unfortunately, the Director General had yet to act upon his country's requests or to provide a report. His delegation would report that fact to the General Conference, though it remained hopeful of receiving a response before then.

72. Since the preceding meetings of the Board, the Deputy Director General for Safeguards had been invited to Iran to visit all nuclear facilities of interest, including the Natanz and Fordow enrichment plants, the UCF and FMP at Esfahan, the heavy water research reactor and Heavy Water

Production Plant in Arak, and the Bushehr power plant. The visit had also included access — for the first time — to the R&D facility on advanced centrifuges, which was an indication of the 100% transparency provided by his country and the political will exhibited by the Iranian authorities to cooperate with the Agency. His country believed that only Iran had ever offered such transparency, and providing access to the R&D facility was unprecedented.

73. His country had also received an Agency team and had discussed at length implementation of safeguards in Iran and how to deal with what Iran saw as baseless allegations and put an end to eight years of fruitless discussion on the agenda item in question, which was being protracted by a small number of Western countries with their own political agenda.

74. The concessions granted by Iran represented a new chapter in its relations with the Agency. The Iranian authorities had taken a major, positive step and now expected a similar step from the Agency and Member States and not to be forced to reconsider their unprecedented approach.

75. Although the Director General had noted that Iran had demonstrated greater transparency than previously, and had recognized once again that the Agency continued to verify the non-divergence of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its safeguard agreement, he persisted in using non-standard language in his report for safeguards conclusions. Thus, despite the fact that all inspection goals for declared nuclear material in Iran had been achieved, the report evaded stating that declared nuclear material in Iran remained in peaceful activities. The issue of the alleged existence of undeclared nuclear material, which his country had strenuously denied, could easily be addressed separately, in connection with the Director General's unusual request to implement the additional protocol, a request which was, of course, not legally binding.

76. With regard to possible military dimensions of the Iranian nuclear programme, he had explained on previous occasions that that issue had been dealt with in the work plan contained in INFCIRC/711. Regrettably, a number of Member States had totally neglected to take account of that text. Referring to INFCIRC/153 (Corrected), the basic safeguards agreement for non-nuclear-weapon States party to the NPT, he pointed out that safeguards centred around nuclear material and not information, whatever a few Western countries might try to impose on the Agency with a view to involving their intelligence services. The same was true of Article III of the NPT. Equally, Article 2 of Iran's comprehensive safeguards agreement (INFCIRC/214) stated that the Agency had the right and the obligation to ensure that safeguards were applied, in accordance with the terms of the agreement, on all sources or special fissionable material in all peaceful nuclear activities within the territory of Iran, under its jurisdiction or carried out under its control anywhere, for the exclusive purposes of verifying that such material was not diverted to nuclear weapons or other nuclear explosives.

77. The Agency had departed from the principles enshrined in the safeguard agreement and the NPT on many occasions in the preceding eight years of safeguards implementation in Iran, and in some other developing countries. It must stop those unlawful practices or risk setting a precedent and further damaging its credibility.

78. He noted that the Iranian authorities had replied positively and constructively to the letter from the European Union High Representative regarding the negotiation process with China, France, Germany, the Russian Federation, the United Kingdom and the United States.

79. While his country was determined to continue its peaceful nuclear activities, including those related to the nuclear fuel cycle and uranium enrichment, it remained fully committed to its obligations under its NPT comprehensive safeguard agreement and would continue to spare no effort in dispelling any ambiguity in a spirit of cooperation and transparency, provided of course it was not subjected to threats.

80. Turning to interventions made by Member States, he noted that the European Union seemed to be living in a vacuum, delivering the same statement as at the preceding series of meetings, as if nothing had happened in the interim, and thus destroying the positive environment created by Iran's attempt to begin a new chapter in its relations with the Agency. The European Union had appeared unwilling even to highlight the positive elements in the report, specifically the comment that his authorities had displayed greater transparency than previously. Instead, it preferred the uncivilized 'carrot and stick' approach, which was both dangerous and counterproductive. How could his country have confidence that there was indeed a genuine will to achieve a peaceful resolution of the issue while the language of threat continued?

81. Some countries in the Western world appeared not to understand that the colonialist era was past. The European Union and the United States could not dictate terms to Iran as it was a free and independent State — free from United States domination since the Islamic Revolution — and it would decide its own fate, and its nuclear policy, independently based on its national interests. At the same time, Iran was a responsible country and fully committed to its international obligations, but it would not bow to pressure.

82. Every time in the preceding five years when another country had taken over the European Union Presidency, his country had written requesting to be invited or allowed to attend a meeting to explain Iran's nuclear activities to all 27 European Union States. Regrettably, those requests had been refused.

83. His country also found the joint statement on behalf of France, Germany and United Kingdom regrettable, as those countries were wholly responsible for the current status quo. They had been acting as interlocutor since 2003, yet the very same group of countries had been supporting resolutions in the Board of Governors despite Iran's implementation of the additional protocol and its suspension of nuclear activities. The same group had also referred the issue to the United Nations Security Council.

84. In March 2011, he had brought to the attention of the Board the view expressed by the Mayor of Tokyo that Japan needed to develop nuclear weapons and had requested the Director General to investigate that matter and report back to the Board. He once again requested an in-depth investigation of Japan's nuclear activities and safeguards implementation in that country.

85. He also recalled a report by the previous Director General on clandestine nuclear activities in the Republic of Korea, which included enrichment of uranium beyond 70%, which could only be used for weapons purposes, and plutonium separation. He requested the Director General to compile a report on the nuclear activities of the Republic of Korea and submit it to the Board of Governors by its next series of meetings.

86. The CHAIRMAN, summing up the discussion, said that several members had expressed their appreciation to the Director General for his report contained in document GOV/2011/54. They had commended the Director General and the Secretariat for their continuing efforts in connection with the verification of Iran's nuclear programme.

87. Several members had reiterated their concern at the continued absence of real progress in Iran's cooperation with the Agency, and at the fact that it continued to defy multiple United Nations Security Council resolutions by, inter alia, not suspending its enrichment activities. They had reiterated their call on Iran to suspend its enrichment activities and heavy water-related projects, including R&D, to implement the modified Code 3.1 of the Subsidiary Arrangements General Part to its safeguards agreement, and to bring into force the additional protocol and cooperate fully with the Agency in order to clarify all outstanding issues. They had urged Iran to comply with its international obligations and

implement the resolutions of the Security Council and the Board of Governors, and to engage in a meaningful process aimed at building confidence in the peaceful nature of its nuclear programme.

88. Several members had also expressed their concern at the fact Iran was increasing its capacity to enrich LEU to 20% and they had considered the installation by Iran of a new cascade in the FFEP, and Iran's announcement of its intention to triple its capacity, a further violation of Security Council and Board of Governors resolutions.

89. Several other members had noted that, according to the Director General's report, the Agency had continued to be able to verify the non-diversion of declared nuclear material in Iran. While emphasizing the basic and inalienable right of all Member States to develop nuclear energy for peaceful purposes while meeting their respective legal obligations, they had welcomed the cooperation between the Agency and Iran as outlined in the Director General's report, and had encouraged Iran to enhance its cooperation with the Agency so as to enable the latter to provide credible assurances regarding the absence of undeclared nuclear material and activities in Iran in accordance with international law. They had looked forward to safeguards implementation in Iran being conducted in a routine manner taking into account previous developments and the Director General's previous reporting on implementation of the work plan.

90. Several members had noted the distinction that must be made between voluntary confidence-building measures and legally binding safeguards obligations. Several members had emphasized that the Agency should continue its work to resolve the Iranian nuclear issue and had stressed that there should be no undue pressure on or interference in the Agency's activities that would compromise the efficiency and credibility of the organization. The importance of maintaining and enhancing the confidentiality of the Agency's safeguards information had also been emphasized.

91. Several members had shared the Agency's increasing concern regarding the possible existence in Iran of past or current undisclosed nuclear activities with possible military dimensions. They had noted that the Agency had continued to receive new and credible information in that regard, and had stressed that Iran should provide substantive answers to questions that needed to be clarified in order to establish international confidence in the exclusively peaceful nature of its nuclear programme. They had also noted that a list of such activities had been provided in the attachment to the Director General's report in March, and had been expanded on in more detail in his report in June of that year.

92. Several members had urged Iran to respond positively through concrete actions to the requests by the Agency for engagement on all issues of concern, and to grant access to the relevant locations, equipment, documentation and persons. They had reiterated previous requests to the Director General to provide the Board with a comprehensive analysis or assessment of the possible military dimensions to Iran's nuclear programme. In that regard, they had welcomed the Director General's expressed intention to set out in greater detail the basis for the Agency's concerns in the near future.

93. Several members had welcomed the recent discussions that had taken place between the Director General and senior Iranian officials, and they had noted that the Deputy Director General for Safeguards had, at the invitation of Iran, visited that country's nuclear facilities and that the question of the possible military dimensions to Iran's nuclear programme had been discussed during that visit. They had also welcomed the fact that Iran, as a confidence-building measure, had provided the Agency during that visit with access to an R&D facility on advanced centrifuges and to the Heavy Water Production Plant. They had noted in that regard the Director General's statement that Iran had demonstrated greater transparency than on previous occasions. They had further welcomed the continuation of that dialogue and cooperation between Iran and the Agency. One member had also suggested a step-by-step approach.

94. At the same time, several other members had noted the recent discussion but had emphasized the need for substantive progress across the full range of Iran's obligations.
95. Several members had recalled that previous reports of the Director General had indicated that the Agency had limited means to authenticate independently the documentation that formed the basis of the alleged studies and that the constraints placed by some Member States on making the information available to Iran had been making it more difficult for the Agency to conduct detailed discussions with Iran on that matter. They had called on States which had provided the Agency with documentation related to the alleged studies to authorize the Agency to provide all related documents to Iran to assist the Agency in taking forward the verification process.
96. Several members had reiterated their support for the establishment of a nuclear-weapon-free zone in the Middle East as a positive step towards attaining the objective of global nuclear disarmament. They had stated that any attack or threat of attack against peaceful nuclear facilities would pose a great danger to peace and constitute a grave violation of international law.
97. The continued need for substantive and comprehensive negotiations and dialogue among all relevant parties covering all relevant issues and without preconditions had been emphasized by many members as a way to reach a long-term solution of the Iranian nuclear issue, and Member States had been encouraged to contribute positively to that effect.
98. The commissioning of Iran's nuclear power plant at Bushehr, which was subject to Agency safeguards, had been considered by some as a positive example of international cooperation with regard to Iran's peaceful uses of nuclear energy.
99. The Board had requested the Director General to continue to keep it informed of developments as appropriate.
100. The CHAIRMAN asked whether his summing-up was acceptable.
101. The Chairman's summing-up was accepted.
102. The CHAIRMAN took it that the Board agreed to the request to make public the report of the Director General contained in document GOV/2011/54.
103. It was so decided.

The meeting was suspended at 4.25 p.m. and resumed at 4.40 p.m.

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

104. Mr SHAMAA (Egypt)* speaking on behalf of NAM, reiterated the view that, in considering the issue under discussion, it was essential not to lose sight of the manner in which it had initially been brought to the attention of the Agency. NAM recalled the position expressed in that regard in the final declaration adopted by the Summit of NAM Heads of State and Government held in Sharm El Sheikh, Egypt, in July 2009:

“The Heads of State and Government *underscored* the Movement's principled position concerning non-use or threat of use of force against the territorial integrity of any State. In this regard, they *condemned* the Israeli attack against a Syrian facility on September 6, 2007, which constitutes a flagrant violation of the UN Charter and *welcomed* Syria's cooperation with the IAEA in this regard.”

105. As was recognized in the Director General's report to the November 2008 meetings of the Board (GOV/2008/60), the Agency had been severely hampered in discharging its responsibilities under Syria's NPT safeguards agreement by the unilateral use of force by Israel and by the late

provision of information by some Member States concerning the building at the Dair Alzour site. NAM deeply regretted the fact that the Board had not expressed itself clearly on that issue, given the serious consequences of such acts.

106. NAM welcomed Syria's resolve to continue cooperating with the Agency and, in particular, it welcomed the letter from the Director General of the Atomic Energy Commission of Syria, dated 24 August 2011, in which Syria had reiterated its readiness to cooperate fully with the Agency to resolve all outstanding issues related to the Dair Alzour site in accordance with its commitments under the Agency's Statute, the NPT and its safeguards agreement, and to agree on an action plan in that regard.

107. NAM stressed that, during the conduct of safeguards activities, access to information, activities and locations must be provided in accordance with the letter of Syria's comprehensive safeguards agreement and it encouraged Syria and the Secretariat to continue cooperating with a view to resolving any remaining issues.

108. NAM reaffirmed that a clear distinction must be made between Member States' legal obligations under their respective safeguards agreements and their voluntary undertakings.

109. All Member States should avoid any undue pressure on or interference in the Agency's activities, especially its verification process, which would jeopardize the efficiency and credibility of the Agency. In that connection, NAM supported the Director General's previous call on other States, including Israel, that might possess information relevant to the Agency's verification to make such information available to the Agency, and to authorize the Agency to share it with Syria.

110. NAM also called on Israel to cooperate fully with the Agency by providing it with comprehensive information on the nature of the materials it had used in its attack on the Dair Alzour site.

111. Mr WYGANOWSKI (Poland)* 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, the EFTA countries Liechtenstein and Norway, members of the European Economic Area, as well as the Republic of Moldova, said that the European Union had noted with serious concern the Agency's conclusion in the Director General's report to the June 2011 meetings of the Board (GOV/2011/30) that the destroyed building at the Dair Alzour site had very likely been a nuclear reactor and should have been declared by Syria pursuant to Articles 41 and 42 of its safeguards agreement and Code 3.1 of the General Part of the Subsidiary Arrangements thereto.

112. The European Union welcomed the adoption by the Board in June 2011 of the resolution contained in document GOV/2011/41 which found Syria in non-compliance with its obligations under its safeguards agreement and reported that matter to the United Nations Security Council and General Assembly. It urged Syria, as required by that resolution, to remedy urgently its non-compliance with its safeguards agreement and fulfil its May 26 pledge to the Director General by responding positively and without delay to his requests, to resolve all outstanding questions and to bring into force an additional protocol as soon as possible.

113. Mr WOOD (United States of America) commended the Secretariat on its professionalism in carrying out its mandate in Syria. It was regrettable that, despite the resolution adopted by the Board in June 2011, and despite Syria's own pledges of cooperation, that country had failed to provide the Agency with any additional information on its secret nuclear activities. In May 2011, the Director General had reported that the former facility at Dair Alzour had very likely been a nuclear reactor which should have been declared by Syria pursuant to its safeguards agreement. The Board, noting

with serious concern the conclusions of the Director General, had found Syria in non-compliance with its safeguards agreement and had reported the matter to the United Nations Security Council. It was regrettable that Syria had made no substantive effort to remedy that non-compliance since that time.

114. For over three years, Syria had refused to provide access to vital information, sites, material, or persons repeatedly requested by the Director General and formally called for by the Board. Syria's attempt to construct a covert plutonium production reactor, a reactor with no credible peaceful purpose, represented an egregious safeguards violation and a clear act of nuclear proliferation. Syria's continued lack of cooperation impugned the authority of the Agency, the Board and the broader non-proliferation regime. It also left open questions about the full range of Syria's hidden nuclear activities.

115. In his introductory statement, the Director General had reported that, once again, Syria had made a pledge offering substantive cooperation after the current series of meetings. The question was whether that offer would lead to as little action as Syria's similar pledge of 26 May. He expressed the hope that the Secretariat might be able to shed more light on precisely what Syria had agreed to discuss with the Agency during the planned October visit. The United States looked forward to detailed reporting from the Secretariat after the meeting.

116. Until such time as Syria cooperated meaningfully with the Agency, including by allowing access to the three sites possibly related to Dair Alzour so that the Agency could provide the necessary assurances as to the exclusively peaceful nature of Syria's nuclear programme, Syria's non-compliance with its safeguards agreement would remain an outstanding matter of serious concern.

117. After over three years of deception and denial, the deep credibility gap Syria must bridge to reassure the international community remained. The onus was on Syria to remedy its non-compliance and to demonstrate a constructive approach in its relations with the Agency and the international community. In that regard, his country called once again on Syria to take the steps outlined in the June 2011 resolution contained in document GOV/2011/41 by cooperating fully with the Agency and bringing into force an additional protocol. Only in that way would the Syrian regime address the nuclear credibility gap it had created.

118. Mr BERDENNIKOV (Russian Federation) noted that, as indicated by the Director General in his introductory statement, Syria was willing to draw up an action plan with the Agency to resolve all outstanding questions regarding the purpose of the facility at Dair Alzour that had been destroyed by the unauthorized use of force.

119. His country welcomed Syria's readiness to hold a constructive and productive dialogue with the Agency which could lead to a mutually acceptable solution to the situation. A step-by-step approach had worked when the Agency had been clarifying issues related to Syria's activities at the miniature neutron source reactor in Damascus. That issue had been closed and the Agency's verification activities at the facility had returned to routine operations. Such an approach could be helpful in relation to the Dair Alzour site.

120. It was also important to find a way in which Syria and the Agency could work together to address all of the Agency's concerns about the Dair Alzour site, while giving due consideration to the legitimate interests of Syria with regard to protection of sensitive information that was unrelated to nuclear activities. In view of Syria's readiness to extend practical cooperation, the Agency had every opportunity to clarify the Dair Alzour issue peaceably without unnecessary politicization.

121. Mr BARRETT (Canada) said that his country appreciated the Agency's ongoing efforts to implement the safeguards agreement with Syria effectively and to resolve outstanding safeguards issues.

122. Syria's lack of cooperation since June 2008 in connection with Dair Alzour and the three other locations allegedly functionally related to that site had hindered the resolution of outstanding issues and had eroded confidence in the peaceful nature of Syria's nuclear programme. The Agency had recently arrived at the assessment, based on all the information available, that an undeclared nuclear reactor had existed at Dair Alzour in breach of Syria's safeguards obligations. Canada had fully supported the resolution adopted at the preceding series of meetings of the Board of Governors requesting the Director General to report the matter to the United Nations Security Council, as required by the Agency's Statute.

123. Although the issue remained before the Security Council, the resolution also called for Syria to remedy urgently its non-compliance and to bring into force an additional protocol as soon as possible. In that context, Canada continued to call on Syria to respond positively and without delay to the Director General's requests for updated reporting under its safeguards agreement and to provide access to all information, sites, material and persons necessary for the Agency to verify such reporting. It urged Syria to fulfil its previous pledge to cooperate fully with the Agency to resolve outstanding issues so that the latter could provide the necessary assurances as to the exclusively peaceful nature of Syria's nuclear programme pursuant to its safeguards agreement.

124. Until Syria had remedied its non-compliance and provided the necessary cooperation to allow the Agency to provide those assurances, it was important that the Board of Governors remain seized of the matter and that the issue remain on the Board's agenda.

125. Given the importance of resolving issues of non-compliance, Canada would welcome a written report from the Director General at the next series of meetings of the Board on progress towards resolving outstanding safeguards issues in Syria.

126. Mr UZCÁTEGUI DUQUE (Bolivarian Republic of Venezuela) noted that Syria had been one of the first countries to join the Agency and to accede to the NPT. It had demonstrated its commitment to the comprehensive safeguards regime since 1992, facilitating the annual scheduled visits of Agency safeguards inspectors, a fact which was recorded in the Agency's published reports. Syria had also played a leading role in promoting a nuclear-weapon-free zone in the Middle East. All of those actions demonstrated Syria's commitment to the fundamental principles of the NPT and the Agency's Statute, and to a world free of the threat of nuclear weapons.

127. Venezuela condemned the attack on Syria by Israel, which was a flagrant violation of the United Nations Charter, international law and the Agency's Statute. It was nonsensical and outrageous that a country that had been brutally attacked should be subject to allegations on the basis of no convincing evidence. Unless the Agency took a balanced approach, it ran the risk of losing its credibility as an organization responsible for carrying out objective verification. Furthermore, the unilateral military action taken by Israel in September 2007 had made it impossible to investigate the allegations against Syria properly and fairly and had hampered the Agency in carrying out its mandate under Syria's safeguards agreement, as had been acknowledged in previous reports.

128. With regard to the Director General's oral report, the June 2011 resolution adopted by the Board and contained in document GOV/2011/41 contained serious errors which set an unfavourable precedent. The Agency's conclusion that the building destroyed at the Dair Alzour site had very likely been a nuclear reactor was ambiguous and subjective and did not justify the allegations of non-compliance. Such a resolution could only be adopted thanks to mechanisms that were insufficiently democratic. Clearly, there was an urgent need for reform in the Policy-Making Organs of the Agency if its decisions were to reflect the will of the international community and not just that of a group of countries.

129. His country supported a peaceful solution based on technical criteria within the Agency, which was the only United Nations organization with the authority and capability to resolve nuclear issues.

130. Mr NAKANE (Japan) said that his country was deeply concerned at the conclusion in the Director General's report to the June 2011 meetings of the Board that the building destroyed at the Dair Alzour site had very likely been a nuclear reactor. Japan called on Syria to cooperate with the Agency to resolve all outstanding issues. If the information provided to the Agency suggesting that the reactor had been built with the assistance of the DPRK were to be confirmed, that would raise doubts regarding Syria's compliance with United Nations Security Council resolution 1718 (2006). Japan supported the Director General's efforts to clarify the issue and it called on all Member States to cooperate with him.

131. Syria should cooperate further with the Agency in order to resolve the problems related to the application of its safeguards agreement and dispel the concerns of the international community, including with regard to possible nuclear cooperation between it and the DPRK. Other countries concerned should also provide promptly any relevant information related to the verification activities of the Agency. Furthermore, Syria should sign, ratify and implement an additional protocol to facilitate the Agency's work in verifying the correctness and completeness of its declarations.

132. Mr POTTS (Australia) urged Syria to act quickly to implement the resolution adopted by the Board in June 2011. His country welcomed Syria's recent offer to start discussions with the Agency on cooperation to resolve outstanding safeguards issues. It called on Syria to respond as soon as possible to the Director General's letter proposing a date and venue in October, and to engage positively with the Agency on the substance of all the outstanding issues. It also urged Syria 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.

133. The implementation of safeguards in Syria should remain on the Board's agenda and the Director General should continue to report to the Board as appropriate.

134. Mr GRIFFITHS (New Zealand)* said that, despite the seriousness of the Board's June resolution finding Syria to be in non-compliance with its obligations under its safeguards agreement, Syria had only recently stated its readiness to meet with Agency safeguards staff in Damascus to begin talking about cooperation. The Agency had proposed dates in October for those discussions. Positive action was needed from Syria to resolve without further delay all outstanding questions regarding the exclusively peaceful nature of its nuclear programme. Syria should also sign, bring into force and implement in full the additional protocol, including in the interim period, so that the Director General could provide the necessary assurances regarding both the correctness and completeness of Syria's declarations pursuant to its safeguards agreement.

135. Mr MARSÁN AGUILERA (Cuba)*, noting Syria's expressions of readiness to cooperate with the Agency, said that the issue under discussion should not have been on the agenda of the June meetings of the Board nor should it have been referred to the Security Council. The Agency's conclusion that there had very likely been a nuclear facility at the Dair Alzour site was not well founded, and for the Director General to restate that conclusion in his introductory statement ran counter to the spirit of cooperation shown by the Syrian authorities. His country hoped that the meeting planned for October would lead to the issue being removed from the agenda of the Board and the Security Council. It was clear that the crux of the matter was the political commitment of a group of Board members to Israel, whose attack on the Dair Alzour site had been a flagrant violation of international law and the United Nations Charter. The same countries continued to treat Syria as if it were the guilty party.

136. Cuba's position on the issue remained unchanged. The Agency's verification activities should not infringe the sovereign rights of States. Any concern related to Syria's safeguards agreement should be negotiated with the Syrian authorities on a strictly voluntary basis with full respect for its sovereignty. Also, it was unacceptable to demand that a country sign an additional protocol, as accession to international agreements was voluntary.

137. Mr SOLTANIEH (Islamic Republic of Iran)* said that a sovereign State of the Agency had been attacked by Israel in a clear violation of international law and the United Nations Charter. That violation had been typical of the aggressive policy of the perpetrator. Neither the European Union nor other Western States had condemned that violation. They had instead put pressure on Syria, the attacked country, and the issue of the implementation of safeguards in that country had been referred to the United Nations Security Council pursuant to the resolution adopted by the Board in June and contained in document GOV/2011/41, which had received only 17 votes in favour, ignoring the widespread opposition thereto. That had been a dark moment in the history of the Agency. How could the Director General reach a conclusion based on satellite imagery and intelligence information, and use such ambiguous language in doing so? Over 100 NAM countries had asked the Director General on several occasions to request details, in particular from Israel, regarding the potential source of the contamination found, specifically in connection with the missiles used and missile launcher. The Director General must inform Member States of any communication in that regard and explain why no conclusion had been drawn. He must ensure that Agency General Conference resolutions were fully implemented. If the Director General's conclusion was correct and Dair Alzour had been a reactor construction site as claimed by Israel, the attack constituted a violation of General Conference resolution GC(XXXIV)/RES/533 of 1990 pursuant to which any armed attack or threat of armed attack on a nuclear facility in operation or under construction constituted a violation of the Statute of the Agency, the United Nations Charter and international law requiring prompt action by the United Nations Security Council. Why was the Director General not asking for the implementation of that resolution and why were Member States remaining silent? Member States must raise the issue at the 55th session of the Agency's General Conference since the Board was unable to take responsible action.

138. Mr AZOULAY (Israel)* noted the Agency's conclusion that it was very likely that the building destroyed at the Dair Alzour site had been a nuclear reactor which should have been declared to the Agency. Just before the meetings of the Board of Governors in June, Syria had sent a letter to the Director General pledging full cooperation to resolve all issues related to the Dair Alzour site. However, despite subsequent referral of the matter to the Security Council, Syria had still not engaged with the Agency to remedy its non-compliance with its safeguards obligations. Instead, it had sent another letter proposing a meeting to agree on an action plan to resolve the outstanding issues with regard to the Dair Alzour site. Clearly, that letter was a further attempt to stonewall the investigation of additional sites related to the nuclear reactor at Dair Alzour.

139. Bearing in mind Syria's deception regarding its nuclear activities and its efforts to avoid Agency investigation, he wondered what was really known about Syria's current nuclear programme and whether there were further surprises in store. There were puzzling similarities between the attitudes of Syria and Iran towards Agency investigation. Both were doing their utmost to evade their international safeguards obligations. Moreover, the alliance between Iran, Syria and the DPRK should be a matter of general concern.

140. The Board should take decisive action, sending Syria a clear message that it should desist from its evasive approach and cooperate with the Agency.

141. Mr SABBAGH (Syrian Arab Republic)* said that he had listened with interest to the references in the Director General's introductory statement to the developments with respect to implementation of safeguards in his country.

142. The reason for the item being placed on the Board's agenda had been Israel's flagrant attack on Syria's territorial sovereignty and the destruction of a military building not related to any nuclear activities, which constituted a clear violation of international law, the United Nations Charter and international resolutions. The late provision to the Agency of information concerning the destroyed building at Dair Alzour had severely hampered the Agency in discharging its responsibilities under the NPT and under Syria's safeguards agreement, as had been noted in the Agency's first report on the matter (GOV/2008/60). The failure to take any action in the face of Israel's continued refusal to cooperate with the Agency and provide it with information on the nature of the materials used in the destruction or contamination of the Dair Alzour site set a dangerous precedent in the Agency's work.

143. His country had already expressed its deep disappointment at the conclusion reached in the Director General's report to the Board of Governors contained in document GOV/2011/30, which had been based on intelligence information, speculations and suppositions rather than facts and compelling evidence. Even more regrettable was the fact that the Board had not responded to the offer of cooperation extended by Syria in its letter dated 26 May 2011. Instead, the Board had sent a negative signal by adopting a resolution on the matter (GOV/2011/41), despite the opposition of many Member States which had been in favour of not jumping to hasty conclusions and not taking the issue outside the Agency, advocating dialogue and cooperation instead. Other States had taken advantage of the Director General's June 2011 report and of the prevailing circumstances and conspiracies against Syria, showing that their aim was to politicize the work of the Agency in pursuit of their own political agendas.

144. Nevertheless, Syria had been steadfast in demonstrating its compliance with the relevant international agreements and instruments, and its seriousness about cooperating with the Agency. It had sent the Director General another letter, dated 24 August 2011, reiterating its readiness to cooperate and proposing a meeting in Damascus with Agency safeguards staff in October to agree on an action plan to resolve the outstanding issues regarding the Dair Alzour site.

145. The 2010 NPT Review Conference had emphasized that accession to an additional protocol was a voluntary undertaking. It was important to distinguish between the legal obligations of a State party to the NPT and a safeguards agreement, and voluntary undertakings such as accession to the additional protocol.

146. The CHAIRMAN, summing up the discussion, said that several members had expressed their appreciation to the Director General for providing clarifications on the current status of cooperation between the Agency and Syria.

147. Several members had noted with serious concern the Agency's conclusion in its June report to the Board that the destroyed building at the Dair Alzour site had very likely been a nuclear reactor and should have been declared by Syria pursuant to Articles 41 and 42 of its safeguards agreement and Code 3.1 of the General Part of the Subsidiary Arrangement thereto. They had noted the Director General's statement that that conclusion still stood.

148. Several members had urged Syria, pursuant to the resolution adopted by the Board of Governors on 9 June 2011, to take measures as a matter of urgency to remedy its non-compliance with its safeguards obligations, and to heed the Director General's request to resolve all outstanding questions about the exclusively peaceful nature of its nuclear programme.

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

150. They had condemned the attack by Israel against the building as a flagrant violation of the United Nations Charter and of Syria's sovereignty, and had regretted the fact that the Board had still not expressed itself clearly on that matter.

151. 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 by providing it with comprehensive information on the nature of the materials used by it in its attack on the Dair Alzour site.

152. 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 further facilitating the Agency's work in verifying the correctness and completeness of that country's declarations.

153. Several other 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.

154. Several members had welcomed Syria's resolve to continue cooperating with the Agency, in particular the letter from the Director General of the Atomic Energy Commission of Syria dated 24 August 2011 in which Syria had renewed its expressions of readiness to cooperate fully with the Agency to resolve all outstanding technical issues related to the Dair Alzour site in accordance with its commitments under the Agency's Statute, the NPT and its safeguards agreement, and to agree on an action plan in that regard.

155. Several members had noted that the Agency had proposed holding a meeting with Syria in October 2011. They had looked forward to a positive outcome of that meeting.

156. Several members had requested the Director General to maintain the item on the Board's agenda and to continue to keep the Board informed of developments.

157. He asked whether his summing-up was acceptable.

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

6. Other matters arising from the fifty-third (2009) and fifty-fourth (2010) regular sessions of the General Conference

(a) Application of IAEA safeguards in the Middle East (GOV/2011/55)

159. The CHAIRMAN noted that the sub-item had been included in the agenda pursuant to General Conference resolution GC(54)/RES/13. The Board had before it document GOV/2011/55 containing a report by the Director General to the Board and the General Conference which described the steps

taken by the Director General in seeking to fulfil the mandates conferred by the General Conference in resolution GC(54)/RES/13 and via decision GC(44)/DEC/12.

160. Mr SHAMAA (Egypt)*, speaking on behalf of NAM, thanked the Director General for his report contained in document GOV/2011/55.

161. NAM's principled position on the matter was as follows. NAM strongly believed that stability could not be achieved in a region where massive imbalances in military capabilities were maintained, particularly through the possession of nuclear weapons, which allowed one party to threaten its neighbours and the region. NAM considered the establishment of a nuclear-weapon-free zone in the Middle East a positive step towards attaining the objective of global nuclear disarmament and it reiterated its support for the establishment of such a zone in accordance with relevant United Nations General Assembly and Security Council resolutions. NAM was convinced that the effective and efficient application of Agency safeguards in the Middle East promoted greater confidence among States in the region. Accordingly, NAM considered that achieving universality of Agency comprehensive safeguards in the Middle East was the first practical step towards that end and a necessary step towards the establishment of a nuclear-weapon-free zone in the region.

162. NAM welcomed the fact that its member States which were party to the NPT concluded comprehensive safeguards agreements with the Agency, in fulfilment of their obligation under Article III.(1) of the Treaty, as non-nuclear-weapon States. It noted that all States in the Middle East region except Israel were party to the NPT and had undertaken to accept Agency comprehensive safeguards.

163. NAM 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 link between the application of comprehensive safeguards to all nuclear activities in the Middle East and the prior conclusion of a peace settlement, and that the former would contribute to the latter.

164. NAM also noted with regret that the Director General had not been able to make further progress in fulfilling his mandate pursuant to resolution GC(54)/RES/13 regarding the application of Agency comprehensive safeguards to all nuclear activities in the Middle East.

165. NAM emphasized that all Member States should cooperate to reverse that unacceptable situation. It encouraged the active participation of all Member States in achieving universality of Agency comprehensive safeguards in the Middle East. In that context, it requested that, when promoting Agency safeguards in the Middle East, priority be accorded to achieving universality of Agency comprehensive safeguards in the region.

166. NAM also noted that the Director General would continue with his consultations in accordance with his mandate regarding the early application of Agency comprehensive safeguards to all nuclear activities in the Middle East. It welcomed the Director General's efforts to encourage the development and consideration of relevant new ideas and approaches that could help to move his mandate forward, and requested that he continue to brief Member States regularly on such efforts.

167. NAM States party to the NPT welcomed the endorsement by the 2010 NPT Review Conference of the practical step that the United Nations Secretary-General and the co-sponsors of the resolution on the Middle East adopted by the 1995 NPT Review and Extension Conference, in consultation with States in the region, would convene a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region and with the full support and engagement of the nuclear-weapon States. NAM noted that the 2012 conference should take as its terms of reference the 1995 resolution.

168. NAM took note with appreciation of the recent efforts of the Director General to develop an agenda and modalities which would help ensure a successful forum on the relevance of the experience of existing nuclear-weapon-free zones — including confidence-building and verification measures — for establishing a nuclear-weapon-free zone in the Middle East. It also took note that the Director General had mentioned in his report that those efforts had been welcomed by many Member States and that he had written to all Member States inviting them to take part in the forum to be held on 21–22 November 2011 at Agency Headquarters in Vienna. NAM stressed that, for the forum to be successful, its agenda should reflect the consensus within the international community on the importance of establishing a nuclear-weapon-free zone in the Middle East. Accordingly, NAM requested that the Director General continue consultations with all Member States on arrangements that would be conducive to the forum making a constructive contribution to the objective of establishing a nuclear-weapon-free zone in the Middle East.

169. NAM was fully committed to cooperating with the Director General and to supporting his efforts in implementing resolution GC(54)/RES/13. It was NAM's expectation that all other Agency Member States would do the same.

170. Mr WYGANOWSKI (Poland)*, speaking on behalf of the European Union, the candidate countries Turkey, Croatia, Iceland, the former Yugoslav Republic of Macedonia and Montenegro, the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, and Serbia, the EFTA country Norway, member of the European Economic Area, as well as Ukraine, the Republic of Moldova and Armenia, said that the European Union supported the Director General's initiative, as announced in document GOV/2011/55, to convene a forum in November in which participants from the Middle East and other interested parties could learn from the experience of other regions — including in the area of confidence-building — relevant to the establishment of a nuclear-weapon-free zone.

171. The European Union remained committed to effective multilateral action against the proliferation of weapons of mass destruction. It therefore welcomed the consensus reached at the 2010 NPT Review Conference. The action plan agreed upon, as well as the agreement on a process for implementing the 1995 resolution on the Middle East, including the convening of a conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction in 2012, demonstrated the common resolve not only to uphold but also to strengthen the nuclear non-proliferation regime. The European Union had organized a seminar on 6–7 July 2011 in Brussels to contribute to the efforts to convene the proposed 2012 conference which had been attended by nearly 200 participants, including representatives from 13 countries from the Middle East, the European Union member States, the three NPT depositaries and other interested countries, six international organizations and two regional organizations (the Arab League and the Gulf Cooperation Council). The seminar had allowed for an open exchange of views among the countries on all aspects related to the establishment of a zone free of weapons of mass destruction in the Middle East. The European Union had been encouraged by the participants' constructive attitude and was now looking forward to the Agency forum later in the year. The Agency could count on the full support of the European Union to make the forum a success. The spirit of cooperation on the road towards the 2012 conference was laudable and all should work to maintain it.

The meeting rose at 5:45 p.m.