

Board of Governors

GOV/2011/41

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Item 7(f) of the agenda
(GOV/2011/36 and Add.1)

Implementation of the NPT safeguards agreement in the Syrian Arab Republic

Resolution adopted by the Board of Governors on 9 June 2011

The Board of Governors,

- (a) Noting the Director General's May 24, 2011 report (GOV/2011/30) on the implementation of the NPT Safeguards Agreement in the Syrian Arab Republic, and previous reports by the Director General regarding Syria (GOV/2008/60, GOV/2009/9, GOV/2009/36, GOV/2009/56, GOV/2009/75, GOV/2010/11, GOV/2010/29, GOV/2010/47, GOV/2010/63, and GOV/2011/8),
- (b) Recalling that Syria undertook to accept safeguards, in accordance with its comprehensive Safeguards Agreement (INFCIRC/407) concluded pursuant to Article III of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction, or carried out under its control anywhere,
- (c) Noting that the Director General in his latest report to the Board expressed regret that information concerning the Dair Alzour site was not provided to the Agency in a timely manner and that force was used before the Agency was given an opportunity to establish the facts in accordance with its responsibilities under Syria's Safeguards Agreement,
- (d) Commending the Director General and the Secretariat for their professional and impartial efforts to implement the Safeguards Agreement in Syria and to resolve outstanding safeguards issues in Syria,
- (e) Noting with serious concern that Syria's statements concerning the destroyed building at Dair Alzour are limited in detail, are not supported by documentation and have not allowed the Agency to confirm Syria's assertions regarding the non-nuclear nature of the building,
- (f) Noting with serious concern Syria's lack of cooperation with the IAEA Director General's repeated requests for access to additional information and locations as well as Syria's refusal to engage substantively with the Agency on the nature of the Dair Alzour site since the Agency's June 2008 visit,

(g) Noting with serious concern the conclusion of the Agency that, notwithstanding the loss of information, and after considering Syria's response to allegations of an undeclared reactor and all relevant information available to the Agency, the building destroyed at the Dair Alzour site in September 2007 was very likely 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,

(h) Mindful that the history of concealment of Syria's nuclear activities referred to in the Director General's reports, the nature of these activities, including the presence of a significant number of particles of anthropogenic natural uranium at the Dair Alzour site, procurement activities, and the resulting absence of confidence that Syria's nuclear program is exclusively for peaceful purposes, have given rise to concerns regarding the maintenance of international peace and security, and

(i) Noting that the Director General has repeatedly urged Syria to bring into force an Additional Protocol to its Safeguards Agreement, which would further facilitate the Agency's work in verifying the correctness and completeness of Syria's declarations,

1. Finds, based on the report of the Director General, that Syria's undeclared construction of a nuclear reactor at Dair Alzour and failure to provide design information for the facility in accordance with Code 3.1 of Syria's Subsidiary Arrangements are a breach of Articles 41 and 42 of Syria's NPT Safeguards Agreement, and constitute non-compliance with its obligations under its Safeguards Agreement with the Agency in the context of Article XII.C of the Agency's Statute;
2. Calls upon Syria to remedy urgently its non-compliance with its Safeguards Agreement and fulfill its May 26 pledge to the Director General by responding positively and without delay to the Director General's requests for updated reporting from Syria under its Safeguards Agreement and access to all information, sites, material and persons necessary for the Agency to verify such reporting and resolve all outstanding questions so that the Agency can provide the necessary assurances as to the exclusively peaceful nature of Syria's nuclear program pursuant to Syria's Safeguards Agreement;
3. Decides to report, as provided for in Article XII.C of the Statute, through the Director General, Syria's non-compliance with its Safeguards Agreement to all Members of the Agency and to the Security Council and General Assembly of the United Nations, to provide to the Security Council all reports prepared by the Director General related to the issue, and to make the text of this resolution as well as all previous reports on this issue available to the public;
4. Calls upon Syria to sign and promptly bring into force and implement in full the Additional Protocol and, pending that, to act in accordance with the Additional Protocol so that the Director General can provide the necessary assurances regarding both the correctness and completeness of Syria's declarations pursuant to its safeguards agreement;
5. Requests the Director General to continue his efforts to implement fully the Agency's safeguards agreement with Syria and to report any significant developments to the Board and to the Security Council of the United Nations, as appropriate; and
6. Decides to remain seized of the matter.