



Security Council

Sixty-fourth year

6235th meeting

Thursday, 10 December 2009, 10 a.m.
New York

Provisional

<i>President:</i>	Mr. Kafando	(Burkina Faso)
<i>Members:</i>	Austria	Mr. Mayr-Harting
	China	Mr. Zhang Yesui
	Costa Rica	Mr. Hernández-Milian
	Croatia	Mr. Viločić
	France	Mr. Araud
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice
	Viet Nam	Mr. Hoang Chi Trung

Agenda

Non-proliferation

Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Non-proliferation

Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Ambassador Yukio Takasu, Chairman of the Security Council Committee established pursuant to resolution 1737 (2006). I now give the floor to Ambassador Takasu.

Mr. Takasu (Japan): This is the twelfth 90-day report to the Security Council in accordance with paragraph 18 (h) of resolution 1737 (2006). The report covers the period from 10 September 2009 to 10 December 2009, during which time the Committee held no meetings but conducted its work using the silence procedure.

On two occasions, the Committee received reports of further violations of paragraph 5 of resolution 1747 (2007), which imposed an export ban on arms and related materiel on the Islamic Republic of Iran. In line with its mandate to examine and take appropriate action on information regarding alleged sanctions violations, the Committee has studied these reports carefully and notes with grave concern an apparent pattern of sanctions violations involving prohibited arms transfers from Iran.

In the first instance, the Committee received letters from two Member States regarding the presence of suspicious cargo originating from Iran and destined for another State aboard the *M/V Hansa India* chartered by the Islamic Republic of Iran Shipping Lines (IRISL). The vessel was redirected to a port of one of the reporting States, where the cargo was offloaded and inspected. According to this State, the cargo contained arms-related materiel. The State reported that, in line with its international obligations, it retained, unloaded and stored the cargo, and that the State will ensure that

the items are neither allowed to reach their intended destination nor returned to their place of origin.

In the second instance, the Committee received a letter from a Member State regarding the presence of suspicious cargo originating from Iran and destined for another State aboard the *Francop*, again shipped by IRISL. With the consent of the relevant authorities, the vessel was boarded by the navy of the reporting State, which conducted an on-board State inspection. According to this State, the cargo contained arms-related materiel. The State reported that, in line with its international obligations, it unloaded, retained and stored the cargo, and that the State will ensure that the items will neither be allowed to reach their intended destination nor returned to their place of origin.

In response to each of these reports, the Committee dispatched letters to the two States involved in the transfer of the arms-related materiel, inviting them to provide an explanation for the transactions as well as additional relevant information about the origin, final destination and ownership of the goods. The Committee reminded both States of their obligation to accept and carry out the decisions of the Security Council under Article 25 of the Charter of the United Nations, noted with great concern the fact that the Committee had received multiple reports of violations of paragraph 5 of resolution 1747 (2007) involving these States, and recalled that the violation by Member States of their obligations under the Charter is a serious matter. The Committee also requested that both States respond to the Committee within 15 days. The Committee also wrote to all three reporting Member States, expressing its appreciation for their responsible actions and urging them to continue to cooperate closely with the Committee and with any other States that might be investigating the cases.

Finally, the Committee wrote to the States with the reported links to the *Francop*, inviting them to provide any additional relevant information. In those same letters, the Committee highlighted the need for Member States to redouble their efforts to ensure the full implementation of resolutions 1737 (2006), 1747 (2007) and 1803 (2008); drew attention to the involvement of IRISL in multiple incidents involving the transport of items in violation of resolution 1747 (2007); and, with reference to its Implementation Assistance Notice of 24 July 2009, strongly urged

Member States to exercise extra vigilance as regards IRISL.

During the period under review, the Committee received three notifications from a Member State, pursuant to paragraph 15 of resolution 1737 (2006), in connection with the unfreezing of funds to make payments due under contracts entered into prior to the listing of an entity.

Finally, with regard to reporting by States on the implementation of all relevant measures set out in resolutions 1737 (2006), 1747 (2007) and 1803 (2008), the figures remained unchanged: 91 reports under resolution 1737 (2006), 78 reports under resolution 1747 (2007) and 67 reports under resolution 1803 (2008).

The President (*spoke in French*): I thank Ambassador Takasu for his briefing.

I shall now give the floor to members of the Security Council.

Ms. Rice (United States of America): I thank Ambassador Takasu for his report.

Unfortunately, we have witnessed several significant developments on this critical issue over the past 90 days. First, the latest report of the Director General of the International Atomic Energy Agency (IAEA) on Iran has once again underscored Iran's refusal to comply with its international nuclear obligations and to cooperate with the IAEA. I should like to highlight a few of the major points today.

Iran continues to expand its enrichment and heavy water-related activities. It conducted a multi-year effort to construct a clandestine enrichment facility near the city of Qom, in contravention of its Security Council obligations. The IAEA has requested clarifications from Iran about several aspects of this facility. The IAEA secretariat concluded that Iran's failure to inform the IAEA of its construction of an undeclared enrichment facility near Qom was inconsistent with Iran's IAEA safeguards obligations and reduces confidence further about the absence of other nuclear facilities that have not been declared to the IAEA.

The IAEA Board of Governors responded to the report by adopting a resolution on Iran by an overwhelming majority on 27 November. The resolution underscores the international community's

increased, serious and unified concern that Iran continues to defy its requirements and obligations under IAEA and Security Council resolutions. The resolution urges Iran to immediately suspend construction at Qom and to cooperate fully with the IAEA in order to comply.

Secondly, the United States condemns the serious and repeated sanctions violations reported to the Security Council Committee established pursuant to resolution 1737 (2006). In the past year, there have been three reported incidents. All three involved the transfer of arms or ammunition from Iran to Syria; all three involved the Islamic Republic of Iran Shipping Lines; and all three are clear violations of paragraph 5 of resolution 1747 (2007). Iran has now been caught breaking the rules repeatedly.

In today's briefing, the Committee expressed its grave concern about the "apparent pattern of sanctions violations involving prohibited arms transfers from Iran". The Committee established pursuant to resolution 1737 (2006) has documented in great detail Iran's habit of violating this Council's resolutions. Such violations are unacceptable. The illicit smuggling of weapons from Iran to Syria is not just a sanctions violation; it is also an important factor in the destabilization of an already fragile Middle East.

We applaud the responsible actions that States have taken to detect and disrupt sanctions violations. In the two cases that occurred during the 90-day period, involving two vessels, the *Hansa India* and the *Francop*, two Member States took action in the face of suspicious cargo originating from Iran. In both cases, the Member States offloaded the arms-related materiel to ensure that it would not reach its intended destination or be returned to its place of origin. The Committee has also already called attention to its July 2009 Implementation Assistance Notice, which urged Member States to "exercise extra vigilance" with respect to the role of the Islamic Republic of Iran Shipping Lines role in violations of these resolutions.

The scope of these violations is alarming. On board the *Francop* were found 36 containers of arms and related materiel, including 690 122-millimetre rockets, around 12,000 anti-tank and mortar shells, more than 20,000 fragmentation grenades, and more than half a million rounds of ammunition. Tons of bullet casings were found on board the *Hansa India*.

We commend the Committee for the diligence it has shown in carrying out its mandates. The effectiveness of Security Council sanctions depends on the follow-up of the Council, the Committee and, ultimately, all Member States. We must ensure that these sanctions are rigorously enforced to ensure that destabilizing weapons are not allowed to flow from Iran to other parts of the Middle East and elsewhere.

As the cases we have discussed here today amply demonstrate, all States should give extra scrutiny to all shipping between Iran and Syria, especially if the Islamic Republic of Iran Shipping Lines is involved. States should also report any information about sanctions violations to the 1737 (2006) Committee. We look to the Committee to consider options for effective action to prevent new incidents, and we look forward to its ideas on ways that Member States can better implement those measures.

My third point is to note that these recent events — the discovery of the Qom facility, Iran's announced intention to build new enrichment plants, and its prohibited arms transfers — underscore the renewed urgency of full and robust implementation of resolutions 1737 (2006), 1747 (2007) and 1803 (2008). Member States need to redouble their own enforcement efforts, and the 1737 Committee should be even more vigilant, engaged and active.

More rigorous implementation of those sanctions will make it harder for Iran to acquire the technology and assistance to support its prohibited proliferation activities. It will make it harder for Iran to smuggle weapons to extremists and non-State actors. It will make it harder for Iran to abuse the international financial system to fund its proliferation activities. And full implementation will make it harder for Iran to build any more covert nuclear-related facilities, such as the site near Qom, beyond the gaze of international inspectors.

The United States, along with our P5+1 partners, continues to pursue a dual-track approach of engagement while increasing the pressure on Iran to fulfil its obligations to suspend all proliferation-sensitive nuclear activities and to cooperate with the IAEA. We have repeatedly expressed our strong preference for resolving concerns over Iran's nuclear programme through diplomatic negotiations to build confidence and to respond to Iran's request to meet its own humanitarian and medical needs.

The IAEA, with support from Russia, France and the United States, made a proposal to respond positively to Iran's request for nuclear fuel for the Tehran research reactor, despite Iran's continuing violation of the Council's resolutions and non-compliance with IAEA requirements on its nuclear programme. Iran's failure thus far to take advantage of that opportunity raises serious questions about its nuclear intentions — questions that deserve urgent, international attention.

The United States remains firmly committed to a peaceful resolution with respect to international concerns of Iran's nuclear programme. We also remain willing to engage Iran to work towards a diplomatic solution to the nuclear dilemma it has created for itself — if Iran will only choose such a course.

But engagement cannot be a one-way street. Iran must conclusively demonstrate a similar willingness to engage constructively and address the serious issues associated with its nuclear programme. The international community stands firm in its conviction that Iran must comply with its international obligations. Should Iran continue to fail to meet its obligations, the international community will have to consider further actions.

Mr. Araud (France) (*spoke in French*): First of all, I would like to thank Ambassador Takasu for introducing the twelfth 90-day report. His briefing revealed quite clearly the extent of the Iran's deliberate violations of the sanctions arising from resolutions 1737 (2006), 1747 (2007) and 1803 (2008), as reaffirmed by resolution 1835 (2008).

The serious violations are accumulating: *Monchegorsk*, *ANL Australia*, *Hansa India* and now *Francop*. These ships represent a true flow of arms and other dangerous material that is designed to destabilize fragile regions and to perpetuate conflicts. The regular shipments originating in the port of Bandar Abbas probably represent only the tip of the iceberg. Almost all of those violations involve the Islamic Republic of Iran Shipping Lines.

We have to understand the consequences. States, ports, charter companies and captains must be alerted to the risks they are being made to take. We shall not be satisfied with simply writing letters that go unanswered, which merely compounds violations of the law with disdain for those who administer it.

Moreover, even more serious is the fact that Iran has placed itself in a dangerous deadlock. Since 2003, we have tirelessly sought to open negotiations with Iran. We have stepped up our efforts and proposals, and for several months now we have involved the United States at the highest level in order to engage Iran in dialogue. That country has responded to none of our proposals.

The most recent offer — one of emblematic cooperation involving Russia and France — proposed enriching Iranian fuel abroad in order to operationalize the Tehran research reactor. The International Atomic Energy Agency (IAEA) guaranteed the operation. That was a unique opportunity to build trust. Iran refused.

Even more serious, on 25 September a clandestine uranium enrichment site of a size and configuration clearly inappropriate for civilian use was revealed to the IAEA. Iran had not declared that site, in violation of its Safeguards Agreement and of Code 3.1 thereof, as confirmed by the latest report of the Agency. That is a new, major affront to the trust of the international community. Everyone is now wondering how many other sites there are in Iran.

Given the gravity of the situation, on 27 November the Board of Governors at the IAEA adopted and transmitted to the Security Council, for the first time since 2006, a specific resolution on Iran. That resolution urges Iran to respect its obligations. It demands that Iran suspend work at the clandestine Qom site and provide full access and all documents in order to shed light on the origins of that site. It also demands that Iran confirm in writing that there are no other clandestine sites. The Agency had already made that request in writing on 6 November, and Iran did not respond. The resolution also demands that Iran apply the transparency measures requested of it under Code 3.1, an obligation for Iran under its Safeguards Agreement that it illegally and unilaterally rejected. Finally, the resolution asks Iran to resolve outstanding issues with the IAEA, which the Agency considers to be essential in order to provide credible assurances that there is no military programme in Iran.

Iran's reaction to the adoption of that resolution of the IAEA Board of Governors was to announce the construction of 10 new uranium enrichment sites. It goes without saying that, in the absence of a nuclear reactor, having 10 new enrichment sites makes no

sense within the framework of a civilian nuclear programme.

We find ourselves most reluctantly at a turning point. This week, the heads of State and Government of the European Union will meet in Brussels. They will take stock of month after month of Iranian refusals to negotiate. If Iran continues to do its utmost to violate five Security Council resolutions, to reject the slightest confidence-building measures, and to refuse dialogue and transparency after the major revelations that have just been made, we must draw all the necessary conclusions and move on to a new resolution involving sanctions. Let us be prepared to do so. France, for its part, is prepared. There is no longer any reason to wait.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the outset, we should like to express our gratitude to Ambassador Takasu of Japan, Chair of the Security Council Committee established pursuant to resolution 1737 (2006) for his briefing on the work of the Committee over the past 90 days.

Libya reaffirms the importance of stepping up international efforts to achieve a peaceful resolution of the Iranian nuclear issue, based on a commitment to Security Council resolution 1803 (2008), which calls for continued diplomatic efforts to encourage renewed dialogue and consultations with Iran with a view to achieving a comprehensive, appropriate and long-term solution to this issue. That would open the way for the development of comprehensive relations and cooperation with the Islamic Republic of Iran on the basis of mutual respect and for the building of international confidence in the peaceful nature of Iran's nuclear programme. In this respect, we call on all relevant parties to continue direct negotiations until that goal is achieved. We repeat that what happened in Iraq should not be allowed to occur again anywhere else in the world, especially when it is based on groundless information.

Libya reiterates its conviction that we must deal with questions of non-proliferation and nuclear disarmament in a comprehensive and non-selective way and that all States, without exception, must subject their nuclear facilities to the safeguards regime of the International Atomic Energy Agency.

We note with disapproval that the Security Council has disregarded Israel's nuclear weapons, even though that country refuses to join the Non-Proliferation Treaty or to subject its facilities to the International Atomic

Energy Agency's comprehensive safeguards regime. This stands as an obstacle to the aspirations of the States of the Middle East to create a nuclear weapons-free zone, as expressed at the 1995 Review Conference of the States Parties to the NPT concerning the Middle East and in relevant resolutions of the General Assembly. The International Atomic Energy Agency must inspect the Israeli Dimona reactor, so as to confirm that Israel is not above the law. Otherwise, all States in the Middle East can rightly wonder why they do not have the right to have such weapons while Israel does possess them.

Our concern for and commitment to the non-proliferation of nuclear weapons should not lead us to forget the inalienable right of all States Parties to the Non-Proliferation Treaty to the peaceful uses of nuclear energy, to possess nuclear energy and to develop nuclear technology. In this respect, we reaffirm that the International Atomic Energy Agency is the only specialized authority equipped to verify the fulfilment by States parties of the safeguards agreements, carried out in compliance with their obligations under the Treaty, in order to prohibit nuclear energy being diverted from peaceful uses to nuclear weapons and other forms of nuclear explosive devices.

The International Atomic Energy Agency is also the international coordinating centre for technical cooperation in nuclear matters. The international community should consider expanding the functions of the Agency to include the verification of bilateral nuclear arsenal reductions carried out by nuclear States, with a view to achieving the ultimate goal of totally eliminating these nuclear arsenals.

In conclusion, we reaffirm that international peace and security cannot be achieved through the possession of nuclear weapons and other weapons of mass destruction, or the threat of their use. Rather, these can be achieved by consolidating the principles of dialogue, understanding and mutual respect, upholding justice and promoting fruitful cooperation between States. We hope that those States which possess nuclear weapons will uphold their responsibilities in this area.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to the Permanent Representative of Japan, Ambassador Takasu, for having briefed the Council on the work of the Security

Council Committee established pursuant to resolution 1737 (2006) over the past 90 days and for the work undertaken in that period. The Committee will need to continue to study the specific situation, which was the main focus of his briefing.

Over the period in question, the Committee continued to act in strict compliance with the provisions of the Security Council resolutions 1737 (2006), 1747 (2007) and 1803 (2008). In our view, the Committee should, in its future work, continue to work in the spirit and letter of those resolutions, with a view to effectively resolving the Iranian nuclear problem exclusively through political and diplomatic means.

At present, the situation relating to the Iranian nuclear programme is not simple. Unfortunately, it is still not possible to have substantive negotiations with the Iranian side. Nevertheless, the six States, including Russia, have not discarded the possibility of renewed dialogue with a view to reaching a comprehensive resolution of all issues relating to the nuclear programme of Iran. In our work in this area we need to be patient and calm, and must not let ourselves be overcome by emotion. Emotion will only hinder us in achieving our objective.

We hope that the resolution adopted on 27 November (GOV/2009/82) by the Board of Governors of the International Atomic Energy Agency (IAEA) will have a positive impact. We expect that Iran will take the signals contained in the IAEA resolution very seriously and that it will cooperate fully with the IAEA for a swift return to negotiations on the situation relating to the Iranian nuclear problem.

Mr. Zhang Yesui (China) (*spoke in Chinese*): At the outset, I should like to thank Ambassador Takasu for his briefing on the progress in the work of the Security Council Committee established pursuant to resolution 1737 (2006) over the 90-day reporting period. We should like to thank him for his efforts since he assumed the Chairmanship of the Committee.

China has always supported the international non-proliferation regime. We are opposed to nuclear proliferation and do not wish to see any new instability in the Middle East. China is in favour of the peaceful settlement of the Iranian nuclear issue through diplomatic negotiations.

Recently, there have been new developments on the Iranian nuclear issue. It has been noted that Iran

has various views regarding the supply of nuclear fuel for the Tehran research reactor. However, the path towards a resolution of the issue is not completely blocked. Iran is still willing to engage in further consultations with the parties concerned to resolve the issue together. This shows that there is still the possibility that the diplomatic efforts of the international community will see talks resume. That may require more time and patience on all parts.

We also note that the International Atomic Energy Agency (IAEA) recently adopted a new resolution on the Iranian nuclear issue. We support the IAEA's playing a larger and more constructive role in order to properly resolve the Iranian nuclear issue and to promptly resume negotiations. We also hope that the parties concerned will strengthen the dialogue and cooperation with the IAEA and avoid taking further action that could complicate the present situation.

We believe that resolving the Iranian nuclear issue through diplomatic negotiations is the best option. It is also in the common interest of the international community. In the current circumstances, it is particularly important that the parties concerned continue to be patient and to exercise restraint so as to leave sufficient time and space for the ongoing diplomatic efforts.

We hope that the relevant Security Council resolutions on this issue will be effectively implemented. China will continue to participate actively in the work of the 1737 Committee. We will support and cooperate with the efforts of the Chair of the Committee and work to ensure that the Committee plays a constructive role in the due handling of the Iranian nuclear issue.

Sir Mark Lyall Grant (United Kingdom): I thank Ambassador Takasu for his report and for his truly able leadership of the Security Council Committee established pursuant to resolution 1737 (2006).

It has been a busy and difficult three months for the Committee, a period in which, as the report makes clear, a pattern of sanctions violations has emerged. As the report notes, there were two violations of Security Council resolution 1747 (2007) of a similar nature in this reporting period: first, the *M/V Hansa India* interdiction in October and, later, the *Francop* seizure in November.

We are grateful for the prompt, effective and responsible action of all States concerned with those interdictions and seizures and for their cooperation with the Committee in investigating the cases. That has ensured that the prohibited arms and related material have been neither returned to Iran nor allowed onward to their intended destinations.

Those incidents leave no doubt that Iran is determined to flout the requirements of the Security Council, but they also show that the international community is determined that Iran abide by international rules and that mandatory Security Council resolutions must be upheld.

It is worth restating the reasons for these measures. Iran lost the trust of the international community by hiding the most sensitive aspects of its programme for nearly 20 years, by failing to implement International Atomic Energy Agency (IAEA) transparency measures, and by refusing to answer all the questions put to it by the IAEA as it sought to establish the facts.

The most recent report by former IAEA Director General Mr. ElBaradei concludes, as his previous reports have done, that he was unable to verify that Iran's nuclear programme is for exclusively peaceful purposes. It makes clear that Iran has not suspended its enrichment-related activities or its work on heavy water-related projects, as required by the Security Council.

The report also covers the IAEA's initial conclusions following its inspection of the enrichment facility at Qom. Development of that site was in contravention of five Security Council resolutions. The Agency makes clear that it was inconsistent with Iran's obligations under the subsidiary arrangements of its Safeguards Agreement. Those state that Iran must inform the Agency of new nuclear facilities at the time of the decision to construct.

It is essential that Iran suspend all enrichment-related activities, including any further construction work at Qom. Iran asserts that it began construction of the Qom facility in 2007. The Agency makes clear that it has information that shows that Iran started construction before that date, noting that Iran's explanation about the purpose and chronology of its design and construction requires further clarification.

The report also shows that Iran has continued to ignore the Agency's crucial questions over its weaponization activities. The report states that the Agency is also still awaiting Iran's response to its repeated requests for access to persons, information and locations identified in the alleged studies documents. The report concludes again that, until those issues are clarified and until Iran implements the additional protocol, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear activities by Iran.

Iran's refusal to respond positively to the IAEA's proposed agreement on the provision of fuel to the Tehran nuclear research reactor is also disappointing. The deal offered a fair, viable and transparent means of meeting Iran's needs. It would have improved the prospects for a successful negotiation with Iran. Instead, Iran has shown once again its unwillingness to engage seriously with the international community.

That proposed agreement showed that the international community does not wish to deny Iran its right to civil nuclear power. We would support its development of peaceful nuclear energy providing that it meets its international obligations, and the generous E3+3 offer contains everything that Iran needs to pursue a modern civil nuclear power programme, which it claims is its aim.

However, Iran has taken every opportunity to delay and protract our efforts to reach agreement on that issue. The only reasonable conclusion that can be drawn is that its responses are calculated to buy time and to try to divide the international community.

The IAEA Board of Governors voted overwhelmingly to support the IAEA in its efforts to get answers to important questions. The vote sent a

strong signal to Tehran. Iran's response was to announce the construction of even more enrichment facilities, to threaten to cease contact with the IAEA and to speculate about leaving the Treaty on the Non-Proliferation of Nuclear Weapons. Instead of engaging with us, Iran chooses to provoke and dissemble. Iran can flaunt its isolation, but that will only increase the determination and unity of the international community. I urge Iran to recognize that and to accept the outstretched hand that is on offer.

We need to dissuade Iran from continuing to develop and acquire proliferation-sensitive technology and materials. That risks sparking a regional nuclear arms race. In a region that already faces huge security challenges, nuclear proliferation would be disastrous for regional stability.

The international community has been very patient, but that patience is running out. If Iran continues to choose not to engage with us, we shall need to seek further sanctions. Our dual-track strategy will continue. It involves pressure to encourage the Iranians to comply and to negotiate seriously, at the same time as engagement to allow negotiations to begin when the Iranians are prepared to take the E3+3 offer seriously.

We are 100 per cent committed to solving those issues diplomatically. We hope that Iran's leaders are too, but ultimately that is a choice that only they can make.

The President (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.50 a.m.