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Implementation of the Safeguards Agreement Between the Agency and the Democratic People's Republic of Korea Pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons

Report by the Director General

1. In resolution GC(49)/RES/14 of 30 September 2005, the General Conference decided to include in the agenda for its fiftieth regular session an item entitled: “*Implementation of the NPT safeguards agreement between the Agency and the Democratic People’s Republic of Korea*”. This report provides information to the General Conference for its consideration under this agenda item.

A. Background

2. Since 1993, the Agency has been unable to fully implement the comprehensive safeguards agreement concluded in 1992 with the Democratic People’s Republic of Korea (DPRK) in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (INFCIRC/403). The Agency has never been allowed by the DPRK – a party to the NPT since 1985 – to verify the correctness and completeness of the DPRK’s initial declaration of nuclear material subject to safeguards under that agreement. Following agreement between the DPRK and the United States of America on an “Agreed Framework” in October 1994, and pursuant to the request of the United Nations Security Council, from November 1994 to December 2002, the Agency monitored the ‘freeze’ of the DPRK’s graphite moderated reactors and related facilities. As reported by the Director General to the 47th regular session of the General Conference (GC(47)/19) in September 2003, on 31 December 2002 the Agency had to cease its inspection activities in the DPRK in response to the request of the DPRK contained in

a letter¹ dated 27 December 2002 to the Director General that stated inter alia that, “with the releasing of the freeze on our nuclear facilities, the mission of the IAEA inspectors in Nyongbyon to monitor the freeze of the nuclear facilities under the DPRK-USA Agreed Framework, has now automatically come to its end”. On 10 January 2003, the DPRK Government decided to lift the moratorium on the effectuation of its withdrawal from the NPT and stated that its decision to withdraw from the NPT would be effective from 11 January 2003.

3. The Board of Governors, in a resolution of 12 February 2003 (GOV/2003/14), confirmed that the Agency’s NPT safeguards agreement with the DPRK remained binding and in force, declared that the DPRK was in further non-compliance with its safeguards agreement, called upon the DPRK to remedy its non-compliance urgently by taking all steps deemed necessary by the Agency, and decided to report the DPRK’s non-compliance and the Agency’s inability to verify non-diversion of nuclear material subject to safeguards to all Members of the Agency and to the Security Council and General Assembly of the United Nations. In parallel, the Board stressed its desire for a peaceful resolution of the DPRK nuclear issue and its support for diplomatic means to that end.

4. As the Director General informed the Board in his introductory statement on 17 March 2003, his letter to the DPRK had elicited no formal response. The Director General noted also that reports had indicated that the DPRK had restarted its 5 MW reactor at Nyongbyon. In his report to the General Conference in 2003 (GC(47)/19), the Director General noted that, as “a result of the unilateral actions of the DPRK to interfere with or remove the Agency’s containment and surveillance equipment at its nuclear facilities and to expel Agency inspectors, the Secretariat has remained, since the end of 2002, unable to verify that nuclear material previously placed under safeguards in the DPRK has not been diverted”.

5. In his report to the 49th regular session of the General Conference (GC(49)/13) in August 2005, the Director General recalled that, in his previous report, he had stated that “the nuclear activities of the DPRK and its notice of withdrawal from the NPT had set a dangerous precedent and thus remained a threat to the credibility of the nuclear non-proliferation regime”, and that “since 31 December 2002, when on-site monitoring activities were terminated at the request of the DPRK, the Agency has been unable to draw any conclusions regarding the DPRK’s nuclear activities”.

6. Having considered the Director General’s report, the General Conference adopted resolution GC(49)/RES/14 on 30 September 2005 in which it noted with serious concern, inter alia, the official DPRK statement dated 10 February 2005 in which it had announced that it had manufactured nuclear weapons, and the DPRK’s statement of 11 May 2005 that it had unloaded further spent fuel rods from the Nyongbyon plant. The General Conference welcomed the Joint Statement issued on 19 September 2005 at the conclusion of the fourth round of the Six-Party Talks in Beijing, and called upon the DPRK to cooperate with the Agency in the full and effective implementation of comprehensive IAEA safeguards.

¹ Circulated as document GOV/INF/2002/20 dated 27 December 2002.

B. Developments since the forty-ninth regular session of the General Conference

7. In his statements to the Board in November 2005, March 2006 and June 2006, the Director General again noted that the Agency had not performed any verification activities in the DPRK since December 2002, when IAEA verification activities were terminated at the request of the DPRK, and that the Agency had been unable to draw any conclusions regarding the DPRK's nuclear activities. He noted that the Six-Party Talks aimed to achieve a comprehensive settlement on the Korean Peninsula that could, inter alia, lead to the return of the DPRK to the non-proliferation regime, and expressed the hope that the Agency would be given the authority required to provide credible, comprehensive assurances regarding the nuclear programme in the DPRK. The Agency stands ready to work with the DPRK — and with all others — towards a solution that addresses the needs of the international community to ensure that all nuclear activities in the DPRK are exclusively for peaceful purposes, as well as the security and other needs of the DPRK.