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Item 6(c) of the Board's provisional agenda

(GOV/2009/58)

Item 20 of the Conference's provisional agenda

(GC(53)/1)

Application of Safeguards in the Democratic People's Republic of Korea (DPRK)

Report by the Director General

A. Introduction

1. The Director General submitted his report on the “Application of Safeguards in the Democratic People’s Republic of Korea (DPRK)” to the 52nd regular session of the General Conference on 2 September 2008.¹
2. Having considered the Director General’s report, the General Conference adopted resolution GC(52)/RES/14, on 4 October 2008, and decided to remain seized of the matter and to include the item in the agenda for its fifty-third (2009) regular session.
3. The current report, which is being submitted to the Board of Governors and the General Conference, covers developments since the 52nd regular session of the General Conference regarding the application of safeguards in the DPRK, and the implementation of the ad hoc monitoring and verification arrangement as agreed by the Agency and the DPRK.²

¹ GC(52)/14.

² As stated in the Director General’s report to the 52nd General Conference (GC(52)/14 of 2 September 2008), on 3 July 2007, the Director General reported to the Board of Governors on the ad hoc arrangement for monitoring and verification as agreed between the Agency and the DPRK and foreseen in the Initial Actions agreed at the Six-Party Talks, and on 9 July 2007 the Board of Governors authorized the Director General, subject to the availability of funds, to implement the ad hoc arrangement. Extrabudgetary contributions to fund the Agency’s ad hoc monitoring and verification arrangement, until mid-2009, had been pledged or provided by the European Union, Japan and the United States of America.

B. Application of Safeguards in the DPRK

4. As stated in the Director General's report to the 52nd General Conference,³ since 17 July 2007 the Agency had continued to monitor and verify the shutdown status of the following installations at the Yongbyon nuclear facility: the Nuclear Fuel Fabrication Plant, the Radiochemical Laboratory (the reprocessing plant), the 5 MW(e) Experimental Nuclear Power Plant and the 50 MW(e) Nuclear Power Plant, all of which are located in Yongbyon; as well as the 200 MW(e) Nuclear Power Plant in Taechon. While the Agency did not take part in the disablement activities it had been able to observe and document activities related to the disablement of the installations as part of its ad hoc monitoring and verification activities.

5. On 22 September 2008, the Director General informed the Board that the DPRK had asked the Agency to remove seals and surveillance equipment from the reprocessing plant at Yongbyon.⁴ The Agency completed the work on the removal of the seals and surveillance equipment on 24 September 2008. On the same date, the DPRK informed the Agency inspectors at the Yongbyon site that the inspectors would no longer have access to the reprocessing plant.

6. The Director General reported to the Board, on 9 October 2008,⁵ that the DPRK had informed the Agency inspectors in Yongbyon that the DPRK had stopped its disablement work agreed within the Six-Party Talks, and since it was preparing to restart the facilities, Agency monitoring of the shut down and sealing of these facilities, as envisioned in the ad hoc monitoring and verification arrangements⁶, was no longer appropriate. The Agency inspectors were informed that as a result of this decision, access to the facilities by the inspectors would not be permitted as of that date.

7. The Director General reported to the Board of Governors on 13 October 2008⁷ that that day the DPRK had again granted the Agency access to the 5 MW(e) Experimental Nuclear Power Plant, the Nuclear Fuel Fabrication Plant and the Radiochemical Laboratory. The Agency inspectors were also informed on 13 October 2008 that, as of 14 October 2008, core discharge activities at the reactor would be resumed under Agency monitoring. Inspectors would be permitted to re-apply the containment and surveillance measures at the Radiochemical Laboratory, and all other activities envisioned in the ad hoc monitoring and verification arrangements⁸ could also be resumed.

8. In his introductory statement to the Board of Governors, on 2 March 2009, the Director General noted that the Agency had continued to monitor and verify the shutdown status of nuclear facilities in Yongbyon and Taechon. All of the fuel rods discharged from the 5 MW(e) Experimental Nuclear Power Plant remained under Agency containment and surveillance.

9. On 14 April 2009, the Director General reported to the Board⁹ that the DPRK had informed the Agency inspectors at Yongbyon that the DPRK had decided: to cease all cooperation immediately with the IAEA; to request the IAEA personnel at the site to remove all Agency containment and surveillance (C/S) equipment from the facilities; not to allow Agency inspectors access to the facilities

³ GC(52)/14, 2 September 2008.

⁴ Introductory Statement to the Board of Governors, 22 September 2008.

⁵ GOV/INF/2008/13, 9 October 2008.

⁶ GOV/2007/36, 3 July 2007.

⁷ GOV/INF/2008/14, 13 October 2008.

⁸ GOV/2007/36, 3 July 2007.

⁹ GOV/INF/2009/5, 14 April 2009.

after the removal of the C/S equipment; and that the inspectors would be required to leave the DPRK at the earliest possible time. The DPRK also informed the inspectors that it had decided to reactivate all facilities and to go ahead with the reprocessing of spent fuel.

10. The Director General informed the Board¹⁰ that on 15 April 2009 the Agency inspectors at Yongbyon had removed all seals and switched off the surveillance cameras. He noted that the DPRK had informed the Agency's inspectors at Yongbyon that the DPRK had decided, inter alia, to cease all cooperation immediately with the IAEA, to request IAEA personnel to remove all Agency containment and surveillance equipment from the facilities and to require Agency inspectors to leave the DPRK at the earliest possible time. On 16 April 2009, the Agency's inspectors departed from the DPRK.

11. On 25 May 2009, the Korean Central News Agency of the DPRK announced that the DPRK had successfully conducted an underground nuclear test.¹¹

12. On 12 June 2009, the United Nations Security Council adopted resolution 1874 (2009),¹² which, inter alia: demanded that the DPRK return at an early date to the NPT and IAEA safeguards; decided that the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner and immediately cease all related activities, shall act strictly in accordance with the obligations applicable to parties under the NPT and the terms and conditions of the IAEA Safeguards Agreement (INFCIRC/403) and shall provide the IAEA transparency measures extending beyond these requirements, including such access to individuals, documentation, equipment and facilities as may be required and deemed necessary by the IAEA; and called upon the DPRK to return immediately to the Six Party Talks without precondition, and urged all the participants to intensify their efforts on the full and expeditious implementation of the Joint Statement issued on 19 September 2005 and the joint documents of 13 February 2007 and 3 October 2007, by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States of America, with a view to achieving the verifiable denuclearization of the Korean Peninsula and to maintaining peace and stability on the Korean Peninsula and in north-east Asia.

13. In the Safeguards Implementation Report for 2008, the Director General again reported that since December 2002 the Agency has not implemented safeguards in the DPRK and, therefore, cannot draw any safeguards conclusion.¹³

14. In his introductory statement to the Board of Governors, on 15 June 2009, the Director General expressed concern at the news of a second nuclear test by the DPRK in May 2009. He expressed deep regret regarding this event, particularly at a time when the prospects for progress on nuclear disarmament were far better than they had been at any time in the recent past. He called it a wrong step in the wrong direction which had again created an environment of confrontation. The Director General called on all parties to continue to work for a comprehensive solution through diplomatic means that would bring the DPRK back to the NPT and address its security concerns, humanitarian needs and other political and economic requirements.

¹⁰ GOV/INF/2009/6, 16 April 2009.

¹¹ KCNA: *KCNA Report on One More Successful Underground Nuclear Test*, 25 May 2009, <http://www.kcna.co.jp/item/2009/200905/news25/20090525-12ee.html>.

¹² Resolution 1874 (2009), adopted by the Security Council at its 6141st meeting on 12 June 2009, http://www.un.org/Docs/sc/unsc_resolutions09.htm.

¹³ Safeguards Statement for 2008, Section B: Background to the Safeguards Statement and Summary, paragraph 48, <http://www.iaea.org/OurWork/SV/Safeguards/es2008.html>.

C. Conclusion

15. At the behest of the DPRK, the Agency ceased the implementation of the ad hoc monitoring and verification arrangement in the DPRK on 15 April 2009. As a result, since that date the Agency has not been able to carry out any monitoring and verification activities in the DPRK and thus cannot currently provide any conclusions regarding the DPRK's nuclear activities.