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Item 7(c) of the Board's provisional agenda

(GOV/2010/38)

Item 18 of the Conference's provisional agenda

(GC(54)/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 53rd regular session of the General Conference on 30 July 2009.¹
2. Having considered the Director General’s report, the General Conference adopted resolution GC(53)/RES/15, on 18 September 2009, and decided to remain seized of the matter and to include the item in the agenda for its fifty-fourth (2010) regular session.
3. The current report, which is being submitted to the Board of Governors and the General Conference, covers developments since the last report of the Director General (GOV/2009/45–GC(54)/12 of 30 July 2009) 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(53)/13.

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.

B. Application of Safeguards in the DPRK

4. Since December 2002, the Agency has not implemented safeguards in the DPRK and, therefore, cannot draw any safeguards conclusion regarding the DPRK.

5. As indicated in the Director General's previous report to the General Conference, the Agency was able, until April 2009, to implement the monitoring and verification measures related to 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, as agreed at the Six Party Talks. On 14 April 2009, the DPRK informed the Agency inspectors at Yongbyon that it had decided: to cease all cooperation immediately with the Agency; to request Agency 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 after the removal of the C/S equipment; and to require the Agency inspectors to leave the DPRK at the earliest possible time. On 15 April 2009, the Agency inspectors at Yongbyon removed all seals and switched off the surveillance cameras. Since that date, the Agency has not implemented the ad hoc monitoring and verification arrangement in the DPRK. On 16 April 2009, the Agency's inspectors departed from the DPRK.

6. As also indicated in the Director General's previous report, following the DPRK's announcement on 25 May 2009 that it had conducted an underground nuclear test, the United Nations Security Council adopted resolution 1874 (2009) which, inter alia: demanded that the DPRK return at an early date to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and Agency 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, act strictly in accordance with the obligations applicable to parties under the NPT and the terms and conditions of its safeguards agreement (INFCIRC/403) and provide the Agency with transparency measures extending beyond these requirements, including such access to individuals, documentation, equipment and facilities as may be required and deemed necessary by the Agency; and called upon the DPRK to return immediately to the Six-Party Talks without preconditions.

7. In the Safeguards Implementation Report for 2009, the Director General again reported that, since December 2002, the Agency had not implemented safeguards in the DPRK and, therefore, could not draw any safeguards conclusion.³ In his introductory statement to the Board of Governors, on 7 June 2010, the Director General recalled that the DPRK continued to be bound by the obligations imposed on it by relevant UN Security Council resolutions. For example, under UNSC resolution 1718 (2006), the DPRK is required to act strictly in accordance with the NPT and its IAEA Safeguards Agreement and to provide the IAEA transparency measures extending beyond these requirements. The relevant resolutions of the IAEA General Conference also confirmed the need for the full implementation of the DPRK's comprehensive safeguards agreement with the Agency. The Director General also noted that as the Agency had had no inspectors in the DPRK since April 2009, he had nothing to report to the Board on any activities of the IAEA in relation to the DPRK.

8. The Director General called on all parties concerned to make concerted efforts for a resumption of the Six Party Talks at an appropriate time, with the ultimate aim of the denuclearization of the Korean Peninsula.

³ Safeguards Statement for 2009, Section B.2: Background to the Safeguards Statement and Summary, paragraph 44, <http://www.iaea.org/OurWork/SV/Safeguards/es2009.html>.

C. Conclusion

9. Since December 2002, the DPRK has not permitted the Agency to implement safeguards in the country and, therefore, the Agency cannot draw any safeguards conclusion regarding the DPRK. Nor has the DPRK implemented the relevant measures called for in United Nations Security Council resolutions 1718 (2006) and 1874 (2009). 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 provide any conclusions regarding the DPRK's nuclear activities.

10. The Director General will continue to report as appropriate.