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

(GOV/2015/43)

Item 19 of the Conference's provisional agenda

(GC(59)/1, Add.1, Add.2 and Add.3)

Application of Safeguards in the Democratic People's Republic of Korea

Report by the Director General

A. Introduction

1. The Director General's previous report on the Application of Safeguards in the Democratic People's Republic of Korea (DPRK) was submitted to the Board of Governors and to the 58th regular session of the General Conference on 3 September 2014 (GOV/2014/42–GC(58)/21). This report provides an update of developments of direct relevance to the Agency, along with information on the DPRK's nuclear programme.

2. Having considered the Director General's report, the General Conference adopted resolution GC(58)/RES/15 on 26 September 2014 and decided to remain seized of the matter and to include the item in the agenda for its 59th (2015) regular session.

3. The current report, which is being submitted to the Board of Governors and the General Conference, covers developments since the Director General's report of September 2014.

B. Background

4. The Agency has not been able to verify the correctness and completeness of the DPRK's declarations under the Agreement between the DPRK and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

(hereinafter referred to as the “NPT Safeguards Agreement”).¹ On 1 April 1993, the Board of Governors found, pursuant to Article 19 of the NPT Safeguards Agreement, that the Agency was not able to verify that there had been no diversion of nuclear material required to be safeguarded under the terms of the Agreement to nuclear weapons or other nuclear explosive devices, and decided to report the DPRK’s non-compliance and the Agency’s inability to verify such non-diversion to all Member States of the Agency, to the Security Council and to the General Assembly of the United Nations. Since 1994, the Agency has not been able to conduct all necessary safeguards activities provided for in the NPT Safeguards Agreement. From the end of 2002 until July 2007, the Agency was not able, and since April 2009 has not been able, to implement any safeguards measures in the DPRK.

5. Following the DPRK’s nuclear tests in 2006, 2009 and 2013, the Security Council adopted resolutions 1718 (2006), 1874 (2009) and 2094 (2013), in which it, inter alia: demanded that the DPRK return at an early date to the NPT and IAEA safeguards and 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 and act strictly in accordance with the obligations applicable to parties under the NPT and the terms and conditions of its NPT Safeguards Agreement; 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. Contrary to the requirements of those resolutions, the DPRK has not abandoned its existing nuclear programme in a complete, verifiable and irreversible manner or ceased all related activities.

C. Developments

6. As previously reported, on 2 April 2013, the General Department of Atomic Energy of the DPRK announced that the DPRK would take measures for “readjusting and restarting all the nuclear facilities in Nyongbyon² including uranium enrichment plant and 5 MW[(e)] graphite moderated reactor”.³

7. As also previously reported, on 30 March 2014, the Foreign Ministry of the DPRK issued a statement announcing, inter alia, additional actions that the DPRK would consider, including conducting a “new form of nuclear test for bolstering up its nuclear deterrence”.⁴ Subsequently, DPRK officials have made public statements reiterating the right of the DPRK to conduct further nuclear tests

¹ The DPRK concluded an agreement with the Agency, based on INFCIRC/66/Rev.2, for the application of safeguards in respect of a research reactor (INFCIRC/252) in July 1977. Under this item-specific safeguards agreement, safeguards were applied by the Agency to two nuclear research facilities in Yongbyon: the IRT Research Reactor and a critical assembly. Although the DPRK acceded to the NPT in December 1985, its NPT Safeguards Agreement with the Agency, based on INFCIRC/153 (Corrected), only entered into force in April 1992 (INFCIRC/403). As provided for in Article 23 of the NPT Safeguards Agreement, the application of safeguards under the earlier safeguards agreement (INFCIRC/252) is suspended while the NPT Safeguards Agreement is in force.

² Nyongbyon is also known as Yongbyon.

³ ‘DPRK to Adjust Uses of Existing Nuclear Facilities’, KCNA, 2 April 2013. The Agency refers to this reactor as the Experimental Nuclear Power Plant 5 MW(e).

⁴ ‘DPRK FM Blasts UN for Taking Issue with DPRK over Its Justifiable Rocket Launching Drills’, KCNA, 30 March 2014.

and stating that the DPRK would simultaneously carry out “economic construction and the building of nuclear forces”.⁵

8. Since the Director General’s previous report, the DPRK has continued to stress the importance of its nuclear weapons programme. In March 2015, Ri Su Yong, Foreign Minister of the DPRK, made a statement to the Conference on Disarmament which noted the DPRK’s need to “bolster its nuclear deterrent capability”,⁶ and in late April 2015, the Foreign Minister’s office released a statement which confirmed that “the DPRK will... bolster up its capabilities for self-defence with the nuclear deterrent as a pivot...”⁷

D. Other Information on the DPRK’s Nuclear Programme

9. As the Agency remains unable to carry out verification activities in the DPRK, its knowledge of the DPRK’s nuclear programme is limited and, as further nuclear activities have reportedly taken place in the country, that knowledge will have declined. Nevertheless, it is important for the Agency to remain cognisant of developments in that programme to the fullest extent possible, especially in light of encouragement by the General Conference that the Secretariat maintain its readiness to play an essential role in verifying the programme, including the capability to re-establish the implementation of safeguards-related activities in the DPRK.⁸

10. In that regard, the Agency has maintained its readiness to return to the DPRK, if requested to do so by the DPRK and subject to approval by the Board of Governors, through an ongoing process of: collecting and evaluating safeguards-relevant information regarding the DPRK’s nuclear programme; preparing safeguards equipment and developing relevant procedures for its use; and staff training. The Agency has prepared, and continues to update, a detailed plan for the implementation of monitoring and verification activities in the DPRK.

11. The Agency continues to monitor, mainly through satellite imagery, developments at the Yongbyon site. Since the Director General’s previous report, the Agency has observed ongoing renovation and new construction activities at various locations within the site. Although the purpose of such activities cannot be determined through satellite imagery alone, they appear to be broadly consistent with the DPRK’s statements that it is further developing its nuclear capabilities.

12. Since the Director General’s previous report, the Agency has also observed, through satellite imagery, renovation of buildings, movement of vehicles, and activities that appear to be related to mining and milling at locations previously declared⁹ as the Pyongsan uranium mine and the Pyongsan uranium concentration plant. Without access to these locations, the Agency is unable to assess the purpose or nature of these activities.

⁵ ‘WPK’s Line on Simultaneously Carrying On Economic Construction, Building of Nuclear Forces Is Justifiable’, KCNA, 3 April 2014.

⁶ ‘DPRK Foreign Minister Urges U.S. to Roll back Its Hostile Policy towards DPRK’, KCNA, 6 March 2015.

⁷ ‘DPRK FM Spokesman on Revised ‘U.S.-Japan Defense Cooperation Guidelines’, KCNA, 30 April 2015.

⁸ GC(58)/RES/15, para. 11.

⁹ GOV/2011/53-GC(55)/24, para.28.

13. As previously reported,¹⁰ the DPRK stated in April 2009 that it would build a light water reactor (LWR). In November 2010, a group visiting the Yongbyon site was shown a building that was stated to be a future 100 MW(th) LWR.¹¹ As of June 2013, major external work on the building appeared to have been completed. Since the Director General's previous report, the Agency has observed, through satellite imagery, the construction of what appears to be an electrical switchyard adjacent to the LWR. There have been no indications of the delivery or introduction of major reactor components into the reactor containment building. Without access to the site, the Agency is unable to assess either the design features of the LWR or the likely date for its completion.

14. Since the Director General's previous report,¹² the Agency has continued to observe, through satellite imagery, steam discharges and the outflow of cooling water at the 5 MW(e) reactor, signatures which are consistent with the reactor's operation. The Agency has had no access to the 5 MW(e) reactor since April 2009 and, therefore, cannot confirm the operational status of the reactor.

15. During 2014, the DPRK continued constructing an extension to the building housing the reported centrifuge enrichment facility within the Yongbyon Nuclear Fuel Rod Fabrication Plant.¹³ This effectively doubles the floor area of the building. The Agency observed, through satellite imagery, indicators that the building was in use during the reporting period. Without access to the facility the Agency is unable to determine its internal configuration or operational status.

E. Summary

16. The nuclear programme of the DPRK remains a matter of serious concern. The DPRK's operation of the 5MW(e) reactor, the ongoing construction at the LWR site, the extension and use of the building housing the reported enrichment facility, and statements about bolstering its nuclear deterrent capability, are deeply regrettable. Such actions are clear violations of relevant UN Security Council resolutions.

17. The Director General continues to call upon the DPRK to comply fully with its obligations under relevant Security Council resolutions, to cooperate promptly with the Agency in the full and effective implementation of its NPT Safeguards Agreement and to resolve all outstanding issues, including those that have arisen during the absence of Agency inspectors from the DPRK. The Agency will continue to maintain its readiness to play an essential role in verifying the DPRK's nuclear programme.

¹⁰ GOV/2011/53-GC(55)/24, para. 31.

¹¹ GOV/2011/53-GC(55)/24, para. 37.

¹² GOV/2014/42-GC(58)/21, para. 12.

¹³ GOV/2014/42-GC(58)/21, para. 13.