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Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea

Resolution adopted on 29 September 2023 during the 11th plenary meeting

The General Conference,

- (a) Recalling previous reports by the Agency's Director General titled *Application of Safeguards in the Democratic People's Republic of Korea* (DPRK) regarding nuclear activities in the DPRK, as well as relevant resolutions of the Agency's Board of Governors and General Conference,
- (b) Recalling with deep concern the steps taken by the DPRK which led the Board of Governors in 1993 to find that the DPRK was in non-compliance with its safeguards agreement and to report the DPRK's non-compliance to the United Nations Security Council,
- (c) Further recalling with gravest concern the nuclear tests by the DPRK on 9 October 2006, on 25 May 2009, on 12 February 2013, on 6 January 2016, on 9 September 2016, and on 3 September 2017, in violation and flagrant disregard of United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017) and 2371 (2017),
- (d) Reiterating the requirements of relevant United Nations Security Council resolutions that the DPRK shall immediately abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, and immediately cease all related activities.
- (e) Also recalling the inter-Korean Summits, the Summits between the United States and the DPRK, and the Summits between China and the DPRK and the Summit between Russia and the DPRK of 2018 and 2019, and highlighting the need for relevant parties to fulfil their commitments, including the DPRK's commitment to complete denuclearization of the Korean Peninsula,

- (f) Conscious that a Korean Peninsula free of nuclear weapons would contribute positively to regional and global peace and security,
- (g) Reiterating the international community's firm opposition to the DPRK's possession of nuclear weapons,
- (h) Noting the DPRK's statement in April 2018 concerning a moratorium on nuclear tests and the Acting Director General's report referencing the DPRK's 1 January 2019 announcement that it "would neither make and test nuclear weapons any longer nor use and proliferate them...",
- (i) Expressing grave concern that on 3 September 2017 the DPRK conducted its sixth nuclear test, which it claimed was a "hydrogen bomb for ICBM" and with the 19 January 2022 announcement by the DPRK Political Bureau giving instructions to "restart all temporarily suspended activities" as well as noting the Director General's reports referencing statements by the DPRK, including the December 2022 announcement highlighting the importance of a "mass production of tactical nuclear weapons" and calling for "an exponential increase of the country's nuclear arsenal" and the March 2023 announcement to "continue to produce powerful nuclear weapons",
- (j) Noting with concern the DPRK's promulgation on 9 September 2022 of an updated law on nuclear policy specifying conditions for the use of nuclear weapons and further noting that any effort by the DPRK to legitimize its possession of nuclear weapons will never be recognized under the NPT,
- (k) Recognizing the importance of the Six-Party Talks, in particular all the commitments made by the Six Parties in the 19 September 2005 Joint Statement, and on 13 February and 3 October 2007, including the commitment to denuclearization,
- (l) Recalling the important role that the Agency has played in monitoring and verification activities at the Yongbyon nuclear facilities, including as agreed in the Six-Party Talks, in accordance with its mandate,
- (m) Noting with deep concern the DPRK's decision to cease all cooperation with the Agency, and its demand on 14 April 2009 that Agency inspectors leave the DPRK and remove all Agency containment and surveillance equipment from its facilities,
- (n) Noting with growing concern the increased level of activity at some of the DPRK's nuclear facilities as indicated in the Director General's report, including deeply troubling indications consistent with the operation of the 5 MW(e) reactor and other facilities, operations and the expansion of the reported centrifuge enrichment facility at Yongbyon, activities at the Kangson complex, and the re-opening of and ongoing activities at the Punggye-ri nuclear test site, and echoing the Director General's assessments that the DPRK's nuclear activities continue to be a cause of serious concern and that the continuation of the DPRK's nuclear programme is a clear violation of relevant United Nations Security Council resolutions and is deeply regrettable,
- (o) Noting that the Agency remains unable to carry out verification activities in the DPRK, and noting that the Agency's knowledge of developments in the DPRK's nuclear programme is limited,
- (p) Reiterating support for the IAEA's efforts to enhance readiness to play its essential role in monitoring and verifying the DPRK's nuclear programme, in accordance with its mandate, stressing the importance of a complete understanding of that programme through the collection and evaluation of safeguards relevant information, welcoming in this regard continued intense efforts by the Secretariat to monitor the DPRK's nuclear programme, and welcoming the report

by the Director General that once a political agreement has been reached among the countries concerned, the Agency is ready to return to the DPRK in a timely manner, if requested to do so by the DPRK and subject to approval by the Board of Governors, and

(q) Having considered the Director General's report contained in document GC(67)/20,

1. Condemns again in the strongest terms the six nuclear tests conducted by the DPRK in violation and flagrant disregard of the relevant United Nations Security Council resolutions;
2. Calls upon the DPRK to refrain from conducting any further nuclear tests, pursuant to the relevant United Nations Security Council resolutions;
3. Strongly deplores all the DPRK's ongoing nuclear activities, as outlined in the Director General's report, and urges the DPRK to halt all such activities and any efforts to readjust or expand its nuclear facilities aimed at the production of fissile material, including enrichment and reprocessing activities;
4. Deplores the DPRK's actions to cease all cooperation with the Agency, strongly endorses actions taken by the Board of Governors, and commends the impartial efforts of the Director General and the Secretariat to apply comprehensive safeguards in the DPRK;
5. Reiterates the importance of sustainable peace and security on the Korean Peninsula and in north-east Asia at large, and to this end, stresses the importance of creating favourable conditions for a diplomatic and peaceful solution in support of the complete denuclearization of the Korean Peninsula;
6. Reaffirms the importance of the Six-Party Talks, the agreements reached, and the full implementation of the 19 September 2005 Joint Statement of the Six-Party Talks aimed at achieving substantive progress towards verifiable denuclearization of the Korean Peninsula;
7. Stresses the importance of working to reduce tensions on the Korean Peninsula, supports efforts at diplomatic engagement and building trust with the DPRK, and urges the DPRK and relevant parties to return to dialogue as well as relevant parties to implement fully previous commitments, including commitments by the DPRK to work toward complete denuclearization of the Korean Peninsula;
8. Strongly urges the DPRK to fully comply with all its obligations under United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017), 2397 (2017), and other relevant resolutions, and to take concrete steps towards abandoning all its nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, and immediately cease all related activities;
9. Stresses the importance of all Member States implementing their obligations pursuant to relevant United Nations Security Council resolutions fully, comprehensively, and immediately, including, inter alia, the United Nations Security Council's affirmation that it will keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, expresses its determination to take further significant measures in the event of a further DPRK nuclear test or launch;
10. Reaffirms that the DPRK cannot have the status of a nuclear-weapon State in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), as stated in United Nations Security Council resolutions 1718 (2006) and 1874 (2009), and in the Final Document of the 2010 Review Conference of the Parties to the NPT;
11. Calls upon the DPRK to come into full compliance with the NPT and to cooperate promptly with the Agency in the full and effective implementation of Agency comprehensive safeguards, including all necessary safeguards activities provided for in the safeguards agreement, which the Agency has not been

able to conduct since 1994, and to resolve any outstanding issues that may have arisen due to the long absence of Agency safeguards and the lack of Agency access since April 2009;

12. Strongly supports the Secretariat's continued enhanced readiness to play its essential role, within the framework of a political solution to be reached by the countries concerned, and subject to a corresponding mandate by the Board of Governors, in verifying the DPRK's nuclear programme, and encourages the Director General to continue to provide the Board with relevant information about these new arrangements;

13. Supports and encourages the international community's peaceful and diplomatic efforts and initiatives in all available and appropriate forums including confidence building measures to reduce tensions and achieve sustainable peace and security on the Korean Peninsula;

14. Requests the Secretariat continue to make this resolution available to all interested parties; and

15. Decides to remain seized of the matter and to include the item "Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea" in the agenda for its sixty-eighth (2024) regular session.