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# 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 55th regular session of the General Conference on 2 September 2011 (GOV/2011/53-GC(55)/24). This report provided a historical overview and update of developments of direct relevance to the Agency, along with information on the DPRK's nuclear programme and an Annex listing the nuclear facilities and locations outside facilities (LOFs) declared to the Agency by the DPRK.
- 2. Having considered the Director General's report, the General Conference adopted resolution GC(55)/RES/13 on 22 September 2011, and decided to remain seized of the matter and to include the item in the agenda for its 56th (2012) 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 2011.

# **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"). 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 announcements on 9 October 2006 and 25 May 2009 that it had conducted nuclear tests, the Security Council adopted resolutions 1718 (2006) and 1874 (2009), in which it, inter alia: demanded that the DPRK return 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, 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. Recent Developments

- 6. The Director General, in his introductory statement to the Board of Governors on 5 March 2012, said that the outcome of the February 2012 talks between the United States of America (USA) and the DPRK<sup>2</sup> was an important step in the right direction and that the Agency had an essential role to play in verifying the DPRK's nuclear programme.
- 7. The Director General of the General Department of Atomic Energy (GDAE) of the DPRK, in a letter to the Director General dated 16 March 2012, invited an Agency delegation to visit the DPRK to "discuss technical issues with regard to the monitoring of [a] moratorium on uranium enrichment activities at Nyongbyon in accordance with the agreement of the DPRK-US high-level Talks held in

<sup>1</sup> 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. The DPRK acceded to the NPT in December 1985, although 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.

<sup>&</sup>lt;sup>2</sup> On 23 and 24 February 2012, delegations from the USA and the DPRK held bilateral talks in Beijing. On 29 February 2012, each party issued a unilateral statement on the outcome of the talks. The DPRK statement indicated its agreement to a moratorium on uranium enrichment activities at Yongbyon and that it would allow the Agency to monitor the moratorium "while productive dialogues continue". See 'DPRK Foreign Ministry Spokesman on Result of DPRK–U.S. Talks', Korean Central News Agency (KCNA), 29 February 2012.

Beijing...". In his letter of reply, dated 30 March 2012, the Director General expressed the Agency's readiness to follow up on the DPRK's invitation in a constructive spirit. 4

- 8. On 1 June 2012, in a meeting with officials of the DPRK's Permanent Mission in Vienna, the Agency was informed that the effectiveness of the DPRK's invitation to the Agency had been "discontinued".<sup>5</sup>
- 9. 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, 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. In this regard, the Agency has prepared a detailed plan for the implementation of monitoring and verification activities in the DPRK as envisaged in the 29 February 2012 statements.

## D. Other Information on the DPRK's Nuclear Programme

- 10. As the Agency remains unable to carry out verification activities in the DPRK, its knowledge of the DPRK's nuclear programme is limited. Nevertheless, it is important for the Agency to remain cognisant of developments in the DPRK's nuclear 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 DPRK's nuclear programme, including the capability to re-establish the implementation of safeguards related activities in the DPRK.<sup>6</sup>
- 11. The Agency continues to monitor, mainly through satellite imagery, developments at the Yongbyon site. The Agency has observed building renovation and new construction work 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. There is no indication of significant activity at the declared facilities at the Yongbyon site. However, the Agency is closely monitoring developments at two undeclared facilities at the Yongbyon site, which the DPRK has reportedly stated to be a 100 MW(th) light water reactor (LWR) and a centrifuge enrichment facility. Since the Director General's previous report, significant progress has been made in the construction of the LWR: the dome has been put in place on the reactor containment building; there have been indications that some components may have been installed inside the

<sup>&</sup>lt;sup>3</sup> Nyongbyon is also known as Yongbyon.

<sup>&</sup>lt;sup>4</sup> GOV/INF/2012/9 (30 March 2012).

<sup>&</sup>lt;sup>5</sup> Following the DPRK's attempt to launch a satellite on 13 April 2012, the President of the Security Council issued a statement on 16 April 2012 in which, on behalf of the Council, she, inter alia, strongly condemned the launch and called upon the DPRK to "immediately comply fully with its obligations under Security Council resolutions 1718 (2006) and 1874 (2009)" (S/PRST/2012/13). On 17 April 2012, the DPRK Foreign Ministry issued a statement that the DPRK was "free from the agreement" ('DPRK Rejects UNSC's Act to Violate DPRK's Legitimate Right to Launch Satellite', KCNA, 17 April 2012).

<sup>&</sup>lt;sup>6</sup> GC(55)/RES/13, para. 7.

<sup>&</sup>lt;sup>7</sup> The nuclear facilities declared at Yongbyon by the DPRK are listed in the Annex to GOV/2011/53-GC(55)/24.

<sup>&</sup>lt;sup>8</sup> DPRK statements on LWR construction and operation of the centrifuge enrichment facility include 'US Has No Face to Take Issue with DPRK's Nuclear Activities', KCNA, 29 December 2010, and 'Experimental LWR Construction: FM Spokesman', KCNA, 30 November 2011.

building; and a system for pumping water from the river to the LWR for cooling purposes has also been built. However, 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. With regard to the reported centrifuge enrichment facility, the Agency has no new information and remains unable to determine the facility's configuration or operational status.

13. Through the use of satellite imagery, the Agency has been monitoring the locations where the DPRK reportedly conducted nuclear tests in 2006 and 2009. Although certain activities have been observed at these locations again, without access to the locations the Agency is unable to provide a technical assessment of the purpose of these activities or of whether nuclear material is being used.

## E. Summary

- 14. The nuclear programme of the DPRK is a matter of serious concern and statements by the DPRK about uranium enrichment activities and the construction of an LWR in the DPRK continue to be deeply troubling.
- 15. The Director General continues to call upon the DPRK to fully comply with its obligations under relevant Security Council resolutions, to come into full compliance with the NPT, to cooperate promptly with the Agency in the full and effective implementation of its NPT Safeguards Agreement, and to resolve any outstanding issues that may have arisen during the long absence of Agency safeguards being applied in the DPRK. The Agency will continue to maintain its readiness to play an essential role in verifying the DPRK's nuclear programme.