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International Atomic Energy Agency

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# BOARD OF GOVERNORS

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## **REPORT BY THE DIRECTOR GENERAL ON THE IMPLEMENTATION OF THE NPT SAFEGUARDS AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA**

### **Draft resolution submitted by the Chairman of the Board**

The Board of Governors,

- (a) Recalling its resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711 and GOV/2742 and General Conference resolutions GC(XXXVII)RES/624, GC(XXXVIII)RES/16, GC(39)/RES/3, GC(40)/RES/4, GC(41)/RES/22, GC(42)/RES/2, GC(43)/RES/3, GC(44)/RES/26, GC(45)RES/16 and GC(46) RES/14,
- (b) Recalling also its resolution GOV/2002/60 of 29 November 2002, and noting that there has been no positive response by the DPRK to that resolution or to the efforts of the Director General pursuant to it,
- (c) Noting that the Democratic People's Republic of Korea (DPRK) is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and reaffirming that the IAEA-DPRK safeguards agreement (INFCIRC/403) under the NPT remains binding and in force, and that both the IAEA and DPRK have an obligation to co-operate to facilitate the implementation of the safeguards provided for in that agreement;
- (d) Noting with grave concern the report of the Director General on the Implementation of Safeguards in the DPRK (GOV/2002/62), particularly the statement that the Agency is at present unable to verify that there has been no diversion of nuclear material in the DPRK, and
- (e) Having considered the report of the Director General at its meeting of 6 January 2003,

1. Takes note of the Director General's report and expresses support for the efforts of the Director General and the Secretariat to implement safeguards in the DPRK in accordance with the safeguards agreement;

2. Reiterates its previous calls to the DPRK to comply promptly and fully with its safeguards agreement, which remains binding and in force;
3. Stresses its desire for a peaceful resolution of this issue, including its support for efforts to promote through diplomatic means the denuclearization of the Korean Peninsula;
4. Deplores in the strongest terms the DPRK's unilateral acts to remove and impede the functioning of containment and surveillance equipment at its nuclear facilities and the nuclear material contained therein, including the expulsion of IAEA inspectors, which renders the Agency unable to verify, pursuant to its safeguards agreement with the DPRK, that there has been no diversion of nuclear material in the DPRK;
5. Considers that the DPRK's actions are of great non-proliferation concern and make the Agency unable at present to verify that all nuclear material in the DPRK is declared and submitted to Agency safeguards;
6. Calls upon the DPRK to co-operate urgently and fully with the Agency:
  - (i) by allowing the re-establishment of the required containment and surveillance measures at its nuclear facilities and the full implementation of all the required safeguards measures at all times including the return of IAEA inspectors;
  - (ii) by complying with the Board's resolution of 29 November 2002 (GOV/2002/60) and the Secretariat's letters seeking clarification of its reported uranium enrichment programme, as well as by giving up any nuclear weapons programme expeditiously and in a verifiable manner;
  - (iii) by enabling the Agency to verify that all nuclear material in the DPRK is declared and is subject to safeguards; and
  - (iv) by meeting immediately, as a first step, with IAEA officials;
7. Affirms that unless the DPRK takes all necessary steps to allow the Agency to implement all the required safeguards measures, the DPRK will be in further non-compliance with its safeguards agreement;
8. Requests the Director General to transmit the Board's resolution to the DPRK, to continue to pursue urgently all efforts with the aim of DPRK coming into full compliance with its safeguards obligations, and to report again to the Board of Governors as a matter of urgency; and
9. Decides to remain seized of the matter.