

The Challenge of Ensuring the Absence of Undeclared Nuclear Material and Activities

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New Global Norm

- An important element in any verification regime in the DPRK will be creating measures whereby the verification organization develops confidence, or credible assurances, of the absence of undeclared nuclear material or activities.
- Ensuring the absence of undeclared material or activities is now a vital part of the NPT verification regime and a major justification for the Model Additional Protocol and efforts to ensure the completeness of state declarations.

Global Norm (cont.)

- This norm has been accepted by the European Union, Japan, Taiwan-China, Iran, and Libya. The overt manifestation of this acceptance is that these parties have ratified or will soon ratify the Protocol. Several of these parties have also allowed the IAEA to exercise more intrusive inspections than those specified in the Protocol.

Achieving Confidence

- Because a negative can never be proved, a verification organization cannot prove that there are no undeclared materials or activities.
- Instead, the verification organization must develop a set of procedures and actions that over time allow it to develop confidence that undeclared activities do not exist in a state.

Achieving Confidence (cont.)

- Critical to this determination is the state's transparency and cooperation with the verification organization and other key actors. A goal is to develop mutual trust over time through successful, cooperative activities.

Options for the DPRK

- In order for the verification organization to achieve such confidence, the DPRK may need to implement the Protocol or something equivalent as part of a verified dismantlement task.
- The verification organization may need more rights than those in the Protocol, at least in the initial phases of a verification process.

Typical Requests of the Verification Organization

- The state will be requested to provide broader declarations that include more detail and historical information.
- The verification organization will ask the state for permission to examine a variety of records and conduct its own interviews of key DPRK program personnel.
- The verification organization may ask for foreign procurement information from the DPRK and other states.

Typical Requests (cont.)

- The verification organization will ask to visit sites and take environmental samples at these sites.
- The verification organization will have follow-up questions and requests.

Negotiating the Ground Rules

- The key states will need to negotiate the level and type of access to sites and the amount of information that the DPRK will provide to the verification organization.
- The rules established in the IAEA's traditional safeguards agreements are no longer sufficient.
- The Protocol provides an important basis for these negotiations, although in some cases the verification organization may need more information and access than specifically allowed in the Protocol.

Ground Rules (cont.)

- DPRK will have the right in any agreement to make arrangements for “managed access” to prevent the dissemination of proliferation sensitive information, meet safety and physical protection requirements, protect proprietary or commercially sensitive information, or protect national security secrets. However, such arrangements cannot preclude the verification organization from gaining credible assurance of the absence of undeclared nuclear material and activities at the location at issue.

Site Access

- The verification organization may seek access to non-declared sites for a variety of reasons.
- The right to make such a request is important to many nuclear arms control agreements, such as the NPT and the CTBT.

Site Access (cont.)

- The main reason for the verification organization to make such a request would be that it needs to resolve a question relating to the correctness or completeness of the DPRK's declared information or resolve an inconsistency relating to that information. The basis for the question could be results from environmental sampling, open source or third party information, foreign procurement data, or inconsistencies in declarations or statements.

Site Access (cont.)

- The verification organization would not be allowed to request such access without a valid reason.

Example of a Potential Problem

Area: Sensitive Military Sites

- DPRK has sensitive military sites that the verification organization may ask to inspect.
- The DPRK may state that these sites are off-limits to the verification organization.
- If the verification organization insists on access to such a site, the DPRK and the verification organization may need to agree on managed access for the verification organization.

Example (cont.)

- To protect its military secrets at a site, the DPRK may cover or otherwise hide sensitive non-nuclear-related equipment to prevent it being seen or otherwise characterized by the verification organization.
- The DPRK may want the presence of certain of its officials when the verification organization is at the site. This requirement may delay the granting of access to the verification organization.

Example (cont.)

- To effectively accomplish its goal, the verification organization will need to conduct certain activities, including taking environmental samples, using radiation detection and measurement equipment, and perhaps gaining access to records and officials.

Conclusion

- No state likes to sacrifice sovereignty to a verification organization. States want to limit access to sites and information in order to protect their commercial and military secrets.
- Nonetheless, a range of international agreements require states to cede some of their rights to a verification organization.

Final Comments (cont.)

- The international community has extensive experience in designing verification arrangements that ensure the absence of undeclared activities and protect state secrets.