



INTERNATIONAL ATOMIC ENERGY AGENCY BACKGROUND GUIDE 2013

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Claudia Sanchez, Sarah Walter



NATIONAL MODEL UNITED NATIONS

nmun.org



17 - 21 March - Conference A
24 - 28 March - Conference B

POSITION PAPER INSTRUCTIONS

Two copies of each position paper should be sent via e-mail by 1 MARCH 2013

1. TO COMMITTEE STAFF

A file of the position paper (.doc or .pdf) for each assigned committee should be sent to the committee e-mail address listed here. Mail papers by 1 March to the e-mail address listed for your particular venue. Delegates should carbon copy (cc:) themselves as confirmation of receipt. Please use the committee name, your assignment, Conference A or B, and delegation/school name in both the e-mail subject line and in the filename (example: GA1st_Cuba_ConfA_MarsCollege).

2. TO DIRECTOR-GENERAL

- Each delegation should send one set of all position papers for each assignment to the e-mail designated for their venue: positionpapers.nya@nmun.org or positionpapers.nyb@nmun.org. This set (held by each Director-General) will serve as a back-up copy in case individual committee directors cannot open attachments.

Note: This e-mail should only be used as a repository for position papers.

- The head delegate or faculty member sending this message should cc: him/herself as confirmation of receipt. (Free programs like Adobe Acrobat or WinZip may need to be used to compress files if they are not plain text.)

- Because of the potential volume of e-mail, only one e-mail from the Head Delegate or Faculty Advisor containing all attached position papers will be accepted.

Please use the committee name, your assignment, Conference A or B, and delegation/school name in both the e-mail subject line and in the filename (example: GA1st_Cuba_Conf A_Mars College).

COMMITTEE

EMAIL - CONFERENCE A

General Assembly First Committee	ga1.nya@nmun.org
General Assembly Second Committee	ga2.nya@nmun.org
General Assembly Fourth Committee	ga4.nya@nmun.org
Special Committee on Peacekeeping Operations	c34.nya@nmun.org
ECOSOC Plenary	ecosoc.nya@nmun.org
Commission on the Status of Women	csw.nya@nmun.org
Commission on Crime Prevention and Criminal Justice	ccpcj.nya@nmun.org
Economic Commission for Africa	eca.nya@nmun.org
Economic and Social Commission for Western Asia	escwa.nya@nmun.org
United Nations Children's Fund	unicef.nya@nmun.org
United Nations Development Programme	undp.nya@nmun.org
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Human Rights Council	hrc.nya@nmun.org
United Nations Population Fund	unfpa.nya@nmun.org
UN Permanent Forum on Indigenous Issues	unpfii.nya@nmun.org
Committee on the Exercise of the Inalienable Rights of the Palestinian People	ceirpp.nya@nmun.org
Security Council A	sca.nya@nmun.org
Security Council B	scb.nya@nmun.org
Security Council C	scc.nya@nmun.org
International Atomic Energy Agency	iaea.nya@nmun.org

COMMITTEE

EMAIL - CONFERENCE B

General Assembly First Committee	ga1.nyb@nmun.org
General Assembly Second Committee	ga2.nyb@nmun.org
General Assembly Third Committee	ga3.nyb@nmun.org
General Assembly Fourth Committee	ga4.nyb@nmun.org
ECOSOC Plenary	ecosoc.nyb@nmun.org
Commission on the Status of Women	csw.nyb@nmun.org
Commission on Crime Prevention and Criminal Justice	ccpcj.nyb@nmun.org
Economic Commission for Africa	eca.nyb@nmun.org
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United Nations Children's Fund	unicef.nyb@nmun.org
United Nations Development Programme	undp.nyb@nmun.org
United Nations Settlements Programme	unhabitat.nyb@nmun.org
UN Conference on Trade and Development	unctad.nyb@nmun.org
Human Rights Council	hrc.nyb@nmun.org
United Nations Population Fund	unfpa.nyb@nmun.org
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Committee on the Exercise of the Inalienable Rights of the Palestinian People	ceirpp.nyb@nmun.org
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International Atomic Energy Agency	iaea.nyb@nmun.org
Special Committee on Peacekeeping Operations	c34.nyb@nmun.org

OTHER USEFUL CONTACTS

Entire Set of Delegation Position Papers	positionpapers.nya@nmun.org
(send only to e-mail for your assigned venue)	positionpapers.nyb@nmun.org
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Dear Delegates,

Welcome to the 2013 National Model United Nations (NMUN). This year's staff for the International Atomic Energy Agency (IAEA) are: Directors Sonia Patel and Ricardo Lé and Assistant Directors Claudia Sanchez and Sarah Walter. Sonia holds a Juris Doctor degree from the Charlotte School of Law, and holds a Bachelor's degree in Political Science from Furman University. She is hoping to use her political science and international relations background to develop a career in the international law field. This is her sixth year at NMUN and fourth year on staff. Ricardo holds a Bachelor of Science in Life Sciences and Economics from the University of British Columbia and a Master of Health Economics from the University of Queensland. His interests are in the field of medical administration and health policy, and he is currently pursuing a medical degree at the University of Queensland. This is his sixth year on NMUN staff. Claudia Sanchez has a Bachelor's degree in Political Science from Vassar College, along with minors in Art History and Philosophy. Her focus is on Peace and Security Issues at the UN, especially Peacekeeping, and she is currently pursuing her Master's in International Security at Sciences Po in Paris. This will be her second year on staff and her fifth year at NMUN. Sarah holds a Bachelor's degree in Political Science with a minor in Sociology from the University of Bonn. She is currently pursuing her Master's in Political Science with a focus on International Relations and European Policy at the University of Potsdam. This is her third year at NMUN and her first time on staff.

This year's topics under discussion for the International Atomic Energy Agency are:

- 1) The Nuclear Situation in North Korea
- 2) Improving Global Emergency Preparedness for Nuclear Crisis Situations
- 3) Strengthening IAEA Safeguards and the International Nuclear Security Framework

The International Atomic Energy Agency is one of the United Nations' Related Organizations that answers to both the United Nations General Assembly and Security Council on all relevant nuclear issues. As such, the three topics that could potentially be debated within this committee are extremely relevant in today's global society. Delegates should prepare to potentially debate any of these three topics during the conference.

This background guide will serve as a brief introduction to all of the topics listed. Accordingly, it is not meant to be used as an all-inclusive analysis but as the groundwork for your own analysis and research. To conduct your research, please consult scholarly materials, including journals, international news, the International Atomic Energy Agency's website, and the United Nations' website among others. Also, please consult your country's position, as each delegation must submit a position paper via e-mail by March 1. Please refer to the instructions located within this background guide in regards to NMUN position paper requirements and restrictions. Delegates' adherence to these guidelines is crucial. NMUN can be an incredibly rewarding experience, and we hope that you enjoy it as a delegate as much as we all have in the past. The skills you will obtain at NMUN will not only benefit you academically, but professionally as well.

Please take note of the NMUN policies on the [website](#) and in the [delegate preparation guide](#) regarding [plagiarism](#), [codes of conduct/dress code/sexual harassment](#), [awards philosophy/evaluation method](#), etc. Adherence to these guidelines is mandatory.

If you have any questions regarding preparation, please feel free to contact any of the IAEA Conference substantive staff or Under-Secretaries-General for the Peace and Security Department Cara Wagner (Conference A) and Katharina Weinert (Conference B). Good luck in your preparation for the conference. We look forward to seeing you in March!

Week A

Sonia Patel
Director

Claudia Sanchez
Assistant Director

Week B

Ricardo Lé
Director

Sarah Walter
Assistant Director



Message from the Directors-General Regarding Position Papers for the 2013 NMUN Conference

For NMUN-New York 2013, each delegation submits one position paper for each assigned committee. A delegate's role as a Member State, Observer State, Non-Governmental Organization, etc. should affect the way a position paper is written. To understand these differences, please refer to the [Delegate Preparation Guide](#).

Position papers should review each delegation's policy regarding the topics of the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your State should be identified and addressed. Making recommendations for action by your committee should also be considered. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference. NGO position papers should be constructed in the same fashion as position papers of countries. Each topic should be addressed briefly in a succinct policy statement representing the relevant views of your assigned NGO. You should also include recommendations for action to be taken by your committee. It will be judged using the same criteria as all country position papers, and is held to the same standard of timeliness.

Please be forewarned, delegates must turn in entirely original material. *The NMUN Conference will not tolerate the occurrence of plagiarism.* In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim re-creation of these documents. This plagiarism policy also extends to the written work of the Secretariat contained within the Committee Background Guides. Violation of this policy will be immediately reported and may result in dismissal from Conference participation. Delegates should report any incident of plagiarism to the Secretariat as soon as possible.

Delegation's position papers may be given an award as recognition of outstanding pre-Conference preparation. In order to be considered for a Position Paper Award, however, delegations must have met the formal requirements listed below and be of high substantive standard, using adequate language and showing in-depth research. While we encourage innovative proposals, we would like to remind delegates to stay within the mandate of their respective committee and keep a neutral and respectful tone. Similarly to the minus point-policy implemented at the conference to discourage disruptive behavior, position papers that use offensive language may entail negative grading when being considered for awards. Please refer to the sample paper following this message for a visual example of what your work should look like at its completion. The following format specifications are **required** for all papers:

- All papers must be typed and formatted according to the example in the Background Guides
- Length must **not** exceed two single-sided pages (one double-sided paper, if printed)
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Margins must be set at one inch for the whole paper
- Country/NGO name, school name and committee name must be clearly labeled on the first page,
- National symbols (headers, flags, etc.) are deemed inappropriate for NMUN position papers
- Agenda topics must be clearly labeled in separate sections

To be considered timely for awards, please read and follow these directions:

1. **A file of the position paper** (.doc or .pdf format required) **for each assigned committee** should be sent to the committee email address listed in the Background Guide. These e-mail addresses will be active after November 15, 2012. Delegates should carbon copy (cc:) themselves as confirmation of receipt.
2. Each delegation should also send **one set of all position papers** to the e-mail designated for their venue, Conference A: positionpapers.nya@nmun.org or Conference B: positionpapers.nyb@nmun.org. This set will serve as a back-up copy in case individual committee directors cannot open attachments. These copies will also be made available in Home Government during the week of the NMUN Conference.

Each of the above listed tasks needs to be completed no later than **March 1, 2013 (GMT-5)**.

Please use the committee name, your assignment, Conference A or B, and delegation/school name in both the e-mail subject line and in the filename (example: GA1st_Cuba_ConfA_Mars College).

A matrix of received papers will be posted online for delegations to check prior to the Conference. If you need to make other arrangements for submission, please contact Hannah Birkenkötter, Director-General (Conference A), or Nicholas Warino, Director-General (Conference B), at dirgen@nmun.org. There is an option for delegations to submit physical copies via regular mail if needed.

Once the formal requirements outlined above are met, Conference staff use the following criteria to evaluate Position Papers:

- Overall quality of writing, proper style, grammar, etc.
- Citation of relevant resolutions/documents
- General consistency with bloc/geopolitical constraints
- Consistency with the constraints of the United Nations
- Analysis of issues, rather than reiteration of the Committee Background Guide
- Outline of (official) policy aims within the committee's mandate

Each delegation can submit a copy of their position paper to the permanent mission of the country being represented, along with an explanation of the Conference. Those delegations representing NGOs do not have to send their position paper to their NGO headquarters, although it is encouraged. This will assist them in preparation for the mission briefing in New York.

Finally, please consider that over 2,000 papers will be handled and read by the Secretariat for the Conference. Your patience and cooperation in strictly adhering to the above guidelines will make this process more efficient and it is greatly appreciated. Should you have any questions please feel free to contact the Conference staff, though as we do not operate out of a central office or location, your consideration for time zone differences is appreciated.

Sincerely,

Conference A
Hannah Birkenkötter
Director-General
hannah@nmun.org

Conference B
Nicholas Warino
Director-General
nick@nmun.org

**Delegation from
The United Mexican States**

**Represented by
(Name of College)**

Position Paper for the General Assembly Plenary

The issues before the General Assembly Plenary are: The Use of Economic Sanctions for Political and Economic Compulsion; Democracy and Human Rights in Post-Conflict Regions; as well as The Promotion of Durable Peace and Sustainable Development in Africa. The Mexican Delegation first would like to convey its gratitude being elected and pride to serve as vice-president of the current General Assembly Plenary session.

I. The Use of Economic Sanctions for Political and Economic Compulsion

The principles of equal sovereignty of states and non-interference, as laid down in the Charter of the United Nations, have always been cornerstones of Mexican foreign policy. The legitimate right to interfere by the use of coercive measures, such as economic sanctions, is laid down in Article 41 of the UN-charter and reserves the right to the Security Council.

Concerning the violation of this principle by the application of unilateral measures outside the framework of the United Nations, H.E. Ambassador to the United Nations Enrique Berruga Filloy underlined in 2005 that the Mexico strongly rejects “the application of unilateral laws and measures of economic blockade against any State, as well as the implementation of coercive measures without the authorization enshrined in the Charter of the United Nations.” That is the reason, why the United Mexican States supported – for the 14th consecutive time – Resolution (A/RES/60/12) of 2006 regarding the *Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba*.

In the 1990s, comprehensive economic sanctions found several applications with very mixed results, which made a critical reassessment indispensable. The United Mexican States fully supported and actively participated in the “Stockholm Process” that focused on increasing the effectiveness in the implementation of targeted sanctions. As sanctions and especially economic sanctions, pose a tool for action “between words and war” they must be regarded as a mean of last resort before war and fulfill highest requirements for their legitimate use. The United Mexican States and their partners of the “Group of Friends of the U.N. Reform” have already addressed and formulated recommendations for that take former criticism into account. Regarding the design of economic sanctions it is indispensable for the success to have the constant support by all member states and public opinion, which is to a large degree dependent on the humanitarian effects of economic sanctions. Sanctions must be tailor-made, designed to effectively target the government, while sparing to the largest degree possible the civil population. Sanction regimes must be constantly monitored and evaluated to enable the world-community to adjust their actions to the needs of the unforeseeably changing situation. Additionally, the United Mexican States propose to increase communication between the existing sanction committees and thus their effectiveness by convening regular meetings of the chairs of the sanction committees on questions of common interest.

II. Democracy and Human Rights in Post-Conflict Regions

As a founding member of the United Nations, Mexico is highly engaged in the Promotion of Democracy and Human Rights all over the world, as laid down in the *Universal Declaration on Human Rights (UDHR)* in 1948. Especially since the democratic transition of Mexico in 2000 it is one of the most urgent topics to stand for Democratization and Human Rights, and Mexico implements this vision on many different fronts.

In the Convoking Group of the intergovernmental Community of Democracies (GC), the United Mexican States uphold an approach that fosters international cooperation to promote democratic values and institution-building at the national and international level. To emphasize the strong interrelation between human rights and the building of democracy and to fortify democratic developments are further challenges Mexico deals with in this committee. A key-factor for the sustainable development of a post-conflict-region is to hold free and fair election and thus creating a democratic system. Being aware of the need of post-conflict countries for support in the preparation of democratic elections, the United Mexican States contribute since 2001 to the work of the International Institute for Democracy and Electoral Assistance (IDEA), an intergovernmental organization operating at international, regional and national level in partnership with a range of institutions. Mexico’s foreign policy regarding human rights is substantially

based on cooperation with international organizations. The Inter American Commission of Human Rights is one of the bodies, Mexico is participating, working on the promotion of Human Rights in the Americas. Furthermore, the Inter-American Court of Human Rights is the regional judicial institution for the application and interpretation of the *American Convention of Human Rights*.

The objectives Mexico pursues are to improve human rights in the country through structural changes and to fortify the legal and institutional frame for the protection of human rights on the international level. Underlining the connection between democracy, development and Human Rights, stresses the importance of cooperation with and the role of the High Commissioner on Human Rights and the reform of the Human Rights Commission to a Human rights Council.

Having in mind the diversity of challenges in enforcing democracy and Human Rights, Mexico considers regional and national approaches vital for their endorsement, as Mexico exemplifies with its *National Program for Human Rights* or the *Plan Puebla Panama*. On the global level, Mexico is encouraged in working on a greater coordination and interoperability among the United Nations and regional organizations, as well as the development of common strategies and operational policies and the sharing of best practices in civilian crisis management should be encouraged, including clear frameworks for joint operations, when applicable.

III. The Promotion of Durable Peace and Sustainable Development in Africa

The United Mexican States welcome the leadership role the African Union has taken regarding the security problems of the continent. Our delegation is furthermore convinced that The New Partnership for Africa's Development (NEPAD) can become the foundation for Africa's economic, social and democratic development as the basis for sustainable peace. Therefore it deserves the full support of the international community.

The development of the United Mexican States in the last two decades is characterized by the transition to a full democracy, the national and regional promotion of human rights and sustainable, economic growth. Mexico's development is characterized by free trade and its regional integration in the North American Free Trade Agreement. Having in mind that sustainable development is based not only on economic, but as well on social and environmental development, President Vicente Fox has made sustainable development a guiding principle in the Mexican Development Plan that includes sustainability targets for all major policy areas.

The United Nations Security Council has established not less than seven peace-keeping missions on the African continent, underlining the need for full support by the international community. In post-conflict situations, we regard national reconciliation as a precondition for a peaceful development, which is the reason why Mexico supported such committees, i.e. in the case of Sierra Leone. The United Mexican States are convinced that an other to enhance durable peace in Africa is the institutional reform of the United Nations. We therefore want to reaffirm our full support to both the establishment of the peace-building commission and the Human Rights Council. Both topics are highly interrelated and, having in mind that the breach of peace is most often linked with severest human rights' abuses, thus need to be seen as two sides of one problem and be approached in this understanding.

As most conflicts have their roots in conflicts about economic resources and development chances, human development and the eradication of poverty must be at the heart of a successful, preventive approach. Lifting people out of poverty must be seen as a precondition not only for peace, but for social development and environmental sustainability.

The United Mexican States want to express their esteem for the decision taken by the G-8 countries for a complete debt-relief for many African Highly-Indebted-Poor-Countries. Nevertheless, many commitments made by the international community that are crucial for Africa's sustainable development are unfulfilled. The developed countries agreed in the *Monterrey Consensus of the International Conference on Financing for Development* (A/CONF.198/11) to increase their Official Development Aid (ODA) "towards the target of 0,7 per cent of gross national product (GNP) as ODA to developing countries and 0,15 to 0,20 per cent of GNP of developed countries to least developed countries". Furthermore, the United Mexican States are disappointed by the result of the Hong Kong Ministerial conference of the World Trade Organization, which once more failed to meet the needs of those, to whom the round was devoted: developing countries and especially African countries, who today, more than ever, are cut off from global trade and prosperity by protectionism.

History of the International Atomic Energy Agency

Introduction

In 1952, United States President Eisenhower envisioned an organization that would support the peaceful use of nuclear technology in his famous “Atoms for Peace” speech.¹ With the use of nuclear weapons in the attacks on Hiroshima and Nagasaki at the end of the Second World War, the threat of nuclear technology had become very real. At the same time, the chances for the peaceful use of nuclear technology could not be denied either. Thus, in order to solve this “nuclear dilemma” an international organization should be established.² Four years later President Eisenhower’s vision became reality when negotiations to create an International Atomic Energy Agency (IAEA) were held.³ On October 23, 1956, 81 states met at the United Nations Headquarters in New York and adopted the Statute of the IAEA.⁴ On July 29, 1957, the IAEA was officially founded after the required number of 26 States had deposited their documents of ratification.⁵ The Statute lays down the primary goal of the Agency as “to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world.”⁶ Although Member States had agreed that atomic energy was only to be used peacefully, cooperation in light of the arms race between the United States and the Soviet Union was rather difficult.⁷ Tensions reached a high point in the Cuban Missile Crisis caused by the Soviet Union, which installed intermediate-range missiles in Cuba in reach of the American mainland.⁸ The confrontation showed the greater need for legal measures to control the spread of nuclear technology.⁹ After this high point of confrontation, the easing of relations between the United States and the Soviet Union began, and new opportunities for the IAEA evolved.¹⁰ One of the most important issues for states was to effectively prevent the further proliferation of nuclear weapons.¹¹

Structure of the IAEA

The IAEA currently has 154 Member States, which are all represented in the General Conference (GC) where they each have one vote.¹² The GC is the highest decision-making body of the IAEA and meets once a year in September to decide on the budget of the agency, approve the annual report submitted by the Board of Governors, and give recommendations to the Board.¹³ The Board of Governors, to which 35 members of the IAEA are elected, is the main executive organ of the IAEA.¹⁴ Its Members are either elected for a one-year term by the 15 outgoing Members of the Board, or for a two-year term by the General Conference according to a system that ensures the equitable distribution of regions.¹⁵ The Board generally consists of experts and meets five times a year, with two of the meetings held immediately before and after the meeting of the GC in September.¹⁶

Mandate and Activities

The work of the IAEA is subdivided into three pillars:

1. Promoting science and technology,
2. Developing nuclear safety standards to maintain high levels of safety standards to protect human health and the environment against radiation, and
3. The safeguards and verification system under the Nuclear Non-proliferation Treaty (NPT).¹⁷

¹ Address by Mr. Dwight D. Eisenhower, President of the United States of America, to the 470th Plenary Meeting of the United Nations General Assembly, Tuesday, 8 December 1953.

² Waller, *The International Atomic Energy Agency: Fifty Years of Managing the Nuclear Dilemma*.

³ Goldschmidt, *When the IAEA was born*. IAEA Bulletin 48/1, September 2006, p. 9.

⁴ Goldschmidt, *When the IAEA was born*. IAEA Bulletin 48/1, September 2006, p. 9.

⁵ Fischer, *History of the International Atomic Energy Agency*, p. 49.

⁶ International Atomic Energy Agency, *About the IAEA - The Statute of the International Atomic Energy Agency*.

⁷ Fischer, *History of the International Atomic Energy Agency*, p. 85.

⁸ McMahon, *The Cold War. A very short introduction*, p. 91.

⁹ Fischer, *History of the International Atomic Energy Agency*, p. 86.

¹⁰ Fischer, *History of the International Atomic Energy Agency*, p. 94.

¹¹ Fischer, *History of the International Atomic Energy Agency*, p. 1.

¹² International Atomic Energy Agency, *About the IAEA - Member States of the IAEA*.

¹³ International Atomic Energy Agency, *About the IAEA - The Statute of the International Atomic Energy Agency*.

¹⁴ Fischer, *History of the International Atomic Energy Agency*, p. 36.

¹⁵ International Atomic Energy Agency, *About the IAEA - The Statute of the International Atomic Energy Agency*.

¹⁶ International Atomic Energy Agency, *About the IAEA - IAEA Board of Governors*.

¹⁷ International Atomic Energy Agency, *The IAEA Mission Statement*.

Under the first pillar falls the Agency's engagement in the health sector, such as providing knowledge of nuclear medicine for early diagnosis of chronic and non-communicable diseases in developing countries.¹⁸ Another example is its cooperation with the Food and Agricultural Organization (FAO) to use nuclear techniques in the conservation of soil and water resources.¹⁹

Relationship with the UN

From the beginning, the IAEA has stressed its mission to be under the umbrella of the UN and in line with the principles of the Charter of the UN.²⁰ Still, the IAEA is somewhat unique within the UN system as it is the only agency focusing on issues specifically related to nuclear technology.²¹ The General Conference's annual reports are submitted to the UN General Assembly Plenary and, if related to issues of international security, to the Security Council.²² The IAEA's work is closely linked to the Security Council (SC), which can request the Agency to take actions on issues concerning peace and security.²³ SC Resolutions regarding safeguards and the proliferation of nuclear weapons such as SC Resolutions 1373 and 1540 are examples of this cooperation and have become integral parts of the Agency's legal framework.²⁴ Both Resolutions call for close cooperation with the IAEA to counter nuclear terrorism and the possession of nuclear material by non-state actors.²⁵ The IAEA has established programs to support Member States in taking effective measures of that concern.²⁶

Treaty on the Non-Proliferation of Nuclear Weapons

In 1968, UN Member States signed the Non-Proliferation Treaty (NPT), which declared that only a state "which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967" shall be considered a legal nuclear weapon state.²⁷ The Treaty commits all other states to refrain from acquiring nuclear weapons and requests states holding nuclear technology to contribute to its peaceful use by providing material, knowledge, and assistance.²⁸ The NPT, which entered into force in 1970, is often referred to as a system of the three pillars: non-proliferation, disarmament, and the right to peacefully use nuclear technology.²⁹ While the NPT was not negotiated within the IAEA, it assigned the IAEA to the surveillance of its treaty provisions and for the first time endorsed the effective establishment of safeguards under the responsibility of the Agency.³⁰ Safeguards are agreements between an IAEA Member State and the Agency, which grant IAEA inspectors access to the state's nuclear program; Safeguards include inspections of locations, facilities, and reviewing materials are only used as declared by Member States.³¹ Thus, the IAEA and the NPT are closely connected and the mandate of the NPT has become a focus of the Agency's work.³²

Past and Present Challenges

Safeguard Agreements

Though the NPT had called for more effective safeguards, it was the discovery of a hidden nuclear weapons program of Iraq during the Gulf War in 1991 that fueled discussions about strengthening safeguards.³³ Only the SC's request for more intrusive inspections of the Iraqi nuclear facilities revealed its nuclear aspirations, which went beyond the declared program under safeguards.³⁴ Discussions were again deepened in 1992 when inspections discovered the Democratic People's Republic of Korea (DPRK) was having more plutonium than declared.³⁵ Both

¹⁸ Lubbers, *Paths towards the future*, p. 8-9.

¹⁹ Lubbers, *Paths towards the future*, p. 8.

²⁰ International Atomic Energy Agency, *About the IAEA - The Statute of the International Atomic Energy Agency*.

²¹ Fischer, *History of the International Atomic Energy Agency*, p. 1.

²² International Atomic Energy Agency, *About the IAEA - The Statute of the International Atomic Energy Agency*.

²³ Fischer, *History of the International Atomic Energy Agency*, p. 432.

²⁴ International Atomic Energy Agency, *The International Legal Framework for Nuclear Security*, p. 2.

²⁵ United Nations Security Council, *Resolution 1373 (2001)*; United Nations Security Council, *Resolution 1540 (2004)*.

²⁶ International Atomic Energy Agency, Department of Nuclear Safety and Security, *Nuclear Achievements*, p. 11.

²⁷ United Nations Office for Disarmament Affairs, *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*.

²⁸ United Nations Office for Disarmament Affairs, *NPT*.

²⁹ The Seven-Nation Initiative in Nuclear Disarmament and Non-proliferation, *The three pillars in the political declaration*.

³⁰ United Nations Office for Disarmament Affairs, *NPT*.

³¹ International Atomic Energy Agency Department of Safeguards, *The Safeguards System of the IAEA*, p. 4.

³² International Atomic Energy Agency, *Our Work – Safeguards*.

³³ ElBaradei, *Application of IAEA safeguards in the Middle East*, IAEA Bulletin 1/1992, p. 46.

³⁴ Bunn, *The Nuclear Nonproliferation Treaty: History and Current Problems*.

³⁵ International Atomic Energy Agency, *IAEA and DPRK: Fact Sheet on DPRK Nuclear Safeguards*.

experiences made clear that additional protocols to agreements must be developed to grant inspectors expanded access to undeclared locations and facilities.³⁶ However, the DPRK withdrew its membership to the IAEA in 1994, followed by the withdrawal from the NPT in 2003.³⁷ A state wishing to withdraw from the Treaty notifies all parties to the Treaty and the SC three months in advance giving a statement of the events that led to the country's withdrawal.³⁸ This easy process raises concerns countries might withdraw from the NPT once they gained enough stocks of weapon-usable material.³⁹ Today, the Iranian nuclear program and the nuclear aspirations of Syria are further issues of concern.⁴⁰ Despite its membership to the NPT, Iran remains reluctant to fully disclose its nuclear program and does not grant access to all its facilities.⁴¹ The latest meeting held on that matter in June 2012 ended without results.⁴² Although the facility suspected to be part of a Syrian nuclear weapon program was destroyed in 2007, the IAEA still wants to clarify whether or not this facility was a nuclear reactor.⁴³ As of 2012, there are currently 178 states with more than 1100 facilities under safeguards.⁴⁴ The Agency estimates an additional 300 reactors within the next 20 years will be installed, which will pose further challenges on the safety and protection of people.⁴⁵ The Agency is thus eager to increase accession to safeguards and additional protocols.⁴⁶

Safety and Security

The nuclear catastrophe at TEPCO's Fukushima Daiichi nuclear power plant in March 2011 showed the need for improving mechanisms related to the second pillar and the safety of humans and the environment against radiation.⁴⁷ The Fukushima catastrophe has been a throwback for the trust in nuclear energy as it hit the nuclear "role model" Japan.⁴⁸ In September 2011, the Board of Governors adopted *The IAEA Action Plan on Nuclear Safety*, which was agreed upon by a Ministerial Conference earlier that year "in order to strengthen nuclear safety, emergency preparedness and radiation protection of people and the environment worldwide."⁴⁹ A special focus lies within capacity building for quick responses to nuclear incidents and to find the best-suited measures for the individual state instead of general solutions.⁵⁰

The IAEA Medium Term Strategy

The IAEA today is a "unique multidisciplinary organization in the United Nations system."⁵¹ The diversity of its mandate is documented in the Agency's *Medium Term Strategy (MTS) 2012-2017*, which is part of the Long-Term Strategy 2012-2023 (LTS). The LTS was released by the Department of Safeguards in 2010 after a two-year planning process.⁵² According to the MTS the Agency's primary future challenges are: global energy security, human health, food security and safety, water resource management, and nuclear safety and security and non-proliferation.⁵³ Through the Medium Term Strategy the IAEA contributes to achieve the Millennium Development Goals by providing management, guidance, and support for the effective implementation of peaceful nuclear programs.⁵⁴

The IAEA has come a long way from its foundations until today. The spread of nuclear technology will increase, which leaves nuclear safety a high importance for the Agency.⁵⁵ The story of IAEA safeguards is a story of success,

³⁶ Bunn, *The Nuclear Nonproliferation Treaty: History and Current Problems*.

³⁷ United Nations Office for Disarmament Affairs, *Treaty on the Non-Proliferation of Nuclear Weapons: Status of the Treaty*.

³⁸ United Nations Office for Disarmament Affairs, *NPT*, Art. X.

³⁹ Bunn, *The Nuclear Nonproliferation Treaty: History and Current Problems*.

⁴⁰ International Atomic Energy Agency, Board of Governors, *Introductory Statement to Board of Governors*.

⁴¹ Secretariat of the International Atomic Energy Agency, *2010 Review Conference of the Parties to the Treaty*, p. 7.

⁴² International Atomic Energy Agency, *IAEA Statement after Iran Meeting*, IAEA Press Release 2012/16.

⁴³ Secretariat of the International Atomic Energy Agency, *2010 Review Conference of the Parties to the Treaty*, p. 7.

⁴⁴ International Atomic Energy Agency, *Our Work – Safeguards*.

⁴⁵ International Atomic Energy Agency, *Medium Term Strategy 2012-2017*.

⁴⁶ International Atomic Energy Agency, Department of Safeguards, *Long Term Strategic Plan (2012-2023) – Summary*, p.4;

⁴⁷ International Atomic Energy Agency, News Centre, *One year after the nuclear accident at Japan's Fukushima Daiichi*.

⁴⁸ Waller, *The International Atomic Energy Agency: Fifty Years of Managing the Nuclear Dilemma*.

⁴⁹ International Atomic Energy Agency, *The IAEA Action Plan on Nuclear Safety* p. 1.

⁵⁰ International Atomic Energy Agency, *Medium Term Strategy 2012-2017*.

⁵¹ International Atomic Energy Agency, *Medium Term Strategy 2012-2017*.

⁵² International Atomic Energy Agency, Division of Concepts and Planning, *Methodology for Long-Range Strategic Planning*.

⁵³ International Atomic Energy Agency, *Medium Term Strategy 2012-2017*.

⁵⁴ International Atomic Energy Agency, *Medium Term Strategy 2012-2017*.

⁵⁵ International Atomic Energy Agency, Board of Governors, *Introductory Statement to Board of Governors*.

still one with many challenges lying ahead. The ratification of additional protocols and amendments to ensure the peaceful use of nuclear technology in the 21st century is an important part of this goal.⁵⁶ The Agency must thus continue to spread knowledge of and cooperation among countries for the peaceful use of nuclear technology as well as efforts to strengthen safeguard agreements⁵⁷

⁵⁶ International Atomic Energy Agency, *Medium Term Strategy 2012-2017*.

⁵⁷ International Atomic Energy Agency, Board of Governors, *Introductory Statement to Board of Governors*.

Annotated Bibliography

Fischer, D. (1997). *History of the International Atomic Energy Agency: The First Forty Years*. Retrieved August 3, 2012 from: http://www-pub.iaea.org/MTCDD/publications/PDF/Pub1032_web.pdf

The publication gives an in-depth overview of the history of the IAEA between 1957 and 1997. It not only provides a chronological enumeration of events, but also pays attention to the historical conditions that led to decisions and thus provides an inside view of the work and struggles of the IAEA during its first years. The book provides its readers with background information on challenges of the IAEA and about the development of challenges the IAEA is facing through today, like the nuclear program in Iran or the situation in the DPRK. In addition with Waller's statement on the Agency's 50th anniversary, which can be found down in the bibliography, delegates will have a detailed history of the IAEA for the period between 1957 and 2007.

International Atomic Energy Agency. (1957). *The Statute of the IAEA*. Retrieved August 5, 2012 from: <http://www.iaea.org/About/statute.html>

The Statute is the founding document of the International Atomic Energy Agency in which its structure, main mandate, and function are laid down in detail. It further lays down membership, objectives, and work of the Agency. In addition, it explains the relationship between the IAEA and the UN and is thus a fundamental document in order to get to know the Agency. It shows that the Agency is in charge of not only nuclear safety and security, but plays a pivotal role in the spread of peacefully used nuclear technology as an important factor for sustainable development. As the founding document, the Statute also serves as a reference for delegates when working on resolutions.

International Atomic Energy Agency. (2011). *The International Legal Framework for Nuclear Security*. Vienna: IAEA International Law Series No. 4.

This resource gives information about the most important legal documents of the Agency briefly. It provides an overview of legally and non-legally binding documents, how they evolved from the IAEA's history, and the mandate of the IAEA that arose from them. The framework lays down the objectives, scope, and obligations of state parties under the treaties, conventions, or agreements. It thus shows the legal stand of the Agency in terms of nuclear security and gives information about what still has to be done in this area. Delegates can use this resource to get a beginning knowledge about the legal framework on nuclear security before starting more detailed research on certain issues and their legal background.

International Atomic Energy Agency Secretariat, *2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons NPT/CONF.2010/25* New York, May 3rd – 28th 2010, Retrieved August 25, 2012 from: http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/25

This summary provides basic information about the status of safeguards and information on countries in focus, amongst them DPRK, Iran, and Syria. Delegates can use the document to get an overview of the status of safeguards, which can be useful to prepare for topics of this Committee. The document details one the specific roles of the IAEA related to safeguards and thus helps delegates to prepare for the work of in this committee.

United Nations Office for Disarmament Affairs. (2002). *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*, Retrieved August 25, 2012 from: <http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml>

The NPT is one of the most important legal documents for the IAEA. In order to prepare on topics regarding safeguards and country specific issues the NPT provides basic knowledge. Going through the document delegates will find many issues the IAEA is dealing with today, which will help to better understand the mandate of the IAEA. Delegates might also want to use this document and consider it an important reference when preparing draft resolutions.

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I. The Nuclear Situation in North Korea

Introduction

One of the most important tasks carried out by the International Atomic Energy Agency (IAEA) are negotiating, implementing and monitoring safeguards agreements.⁵⁸ The safeguards system was set up by the Treaty of Non-Proliferation (NPT) as a confidence-building measure amongst states and is at the core of non-proliferation efforts within the international community.⁵⁹ Within the IAEA, the Department of Safeguards within the IAEA is charged in carrying out this crucial work and, according to its Mission Statement, does so through the early detection of misuse of nuclear material and providing assurances that states do in fact honor their international obligations.⁶⁰ In this context, the case of the Democratic People's Republic of Korea (DPRK) has long been a situation of concern, causing reactions not only by the Agency, but also by the United Nations Security Council, which imposed economic sanctions on the country as a consequence for not complying with the NPT and the safeguards agreement.⁶¹ While tensions are not as high as they were a few years ago, the latest report by the IAEA Director-General to the IAEA Board of Governors and General Conference stated that the IAEA was still unable to carry out verification activities in the DPRK and called the situation "a matter of serious concern" and "deeply troubling."⁶² This is why this issue requires the attention of the IAEA General Conference.

History of the Nuclear Program in the Democratic People's Republic of Korea

The Democratic People's Republic of Korea began exploring the realm of nuclear science in the mid 1960s when it established a large-scale atomic energy research complex in Yongbyon under a cooperation agreement with the former Union of Soviet Socialist Republics (USSR).⁶³ Initial cooperation with the IAEA began in 1977 when the DPRK reached an agreement with the IAEA that granted the Agency permission to inspect a research reactor built with the assistance of the USSR.⁶⁴ In 1985, international pressure caused Pyongyang to accede to the NPT, but it refused to sign a safeguards agreement with the IAEA despite it being an obligation to parties to the NPT treaty.⁶⁵

First Nuclear Crisis (1992-1994)

It was not until January 1992 that the IAEA succeeded in negotiating a safeguards agreement with the DPRK, which entered into force in April of that same year.⁶⁶ The safeguards agreement resulted in an initial report of nuclear material and installations submitted in May 1992.⁶⁷ Following the DPRK's submission of this report, there were inconsistencies found between the contents of the report and the IAEA's own findings during inspections. This led to the discovery that the DPRK tried to conceal two possible nuclear waste sites at Yongbyon that appeared to evidence undeclared plutonium production.⁶⁸ As there were no successful efforts to resolve this situation, in January 1993, the IAEA Director-General called for special inspections of the two suspect waste sites in an effort to obtain information needed to resolve any discrepancies in the DPRK's declaration.⁶⁹ The DPRK rejected the requests for special inspections and ignored a resolution adopted by the IAEA's Board of Governors demanding that it comply with the IAEA requirements within one month.⁷⁰ This resolution in turn led to the DPRK giving notice that it

⁵⁸ International Atomic Energy Agency, *Statute of the International Atomic Energy Agency*, 1956, Art. 3 A 5).

⁵⁹ United Nations Office for Disarmament Affairs, *Non-Proliferation of Nuclear Weapons*, 2012.

⁶⁰ International Atomic Energy Agency, *About Safeguards*, 2012.

⁶¹ Nikitin, M., *North Korea's Nuclear Weapons*, 2009, p.11.

⁶² International Atomic Energy Agency, *Application of Safeguards in the Democratic People's Republic of Korea, Report by the Director General*, 2012.

⁶³ Federation of American Scientists, *Nuclear Weapons Program*, 2012.

⁶⁴ Federation of American Scientists, *Nuclear Weapons Program*, 2012.

⁶⁵ Federation of American Scientists, *Nuclear Weapons Program*, 2012.

⁶⁶ International Atomic Energy Agency, *Agreement of 30 January 1992 between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons*, 1992.

⁶⁷ International Atomic Energy Agency, *IAEA and DPRK. Fact Sheet on DPRK Nuclear Safeguards*, 2009.

⁶⁸ Clinton, B. and Gallucci, R., *North Korea Nuclear Situation*, 1994.

⁶⁹ Clinton, B. and Gallucci, R., *North Korea Nuclear Situation*, 1994.

⁷⁰ Clinton, B. and Gallucci, R., *North Korea Nuclear Situation*, 1994.

would withdraw from the NPT in March 1993 and the IAEA reporting the DPRK's non-compliance to the UN Security Council.⁷¹

The global community was shaken by North Korea's actions, as they represented a dangerous precedent.⁷² It was perceived that not only did the DPRK challenge the international non-proliferation regime, but it also threatened the peace and security of the Korean Peninsula and Asia.⁷³ As a response to the announced withdrawal from the NPT, the Security Council unanimously endorsed a statement by its President in April 1993 calling on the DPRK to remain a party to the NPT and cooperate with the IAEA.⁷⁴ On May 11, 1993, Security Council Resolution 825 (1993) was adopted, encouraging the DPRK to reconsider its decision to withdraw from the NPT, allowing IAEA inspectors to enter the country, and calling upon all Member States to encourage the DPRK to honor its non-proliferation obligations.⁷⁵

Following Security Council Resolution 825, IAEA inspectors were able to conduct safeguards activities in the DPRK in 1993 and 1994, albeit limited to containment, surveillance and maintenance. According to a 1993 report by the IAEA Director-General, these limited inspections did not "provide any meaningful assurance of the peaceful use of the DPRK's declared nuclear installations."⁷⁶ However, the DPRK continued to hinder the safeguards activities in May 1994, including the inspection of a 5 MW (e) reactor, which resulted in a resolution by the IAEA Board of Governors suspending all non-medical technical assistance to North Korea and stressing the non-compliance of the DPRK.⁷⁷ A visit from former US President Jimmy Carter to the DPRK in 1994 led to the adoption of an *Agreed Framework* between the United States and the DPRK, in which both the US and the DPRK pledged to move toward normalizing economic and political relations and the US committed to assist the DPRK in expanding its peaceful use of nuclear power by building two light-water reactors. The DPRK had in turn committed to stop its nuclear weapons' ambitions and to exclusively use nuclear power peacefully, and to abide with IAEA safeguards regulation.⁷⁸

Second Nuclear Crisis (2002-2003)

Following the entry into force of the *Agreed Framework* in 1994, the IAEA and the DPRK held regular technical meetings about twice a year. However, these consultations did not produce any progress in verifying whether the DPRK adhered to the NPT safeguards agreement.⁷⁹ In September 2000, the IAEA Safeguards Department had determined that three to four years would be needed to carry out inspections and technical meetings to verify the outstanding issues so that the main focus was directed at obtaining the full cooperation of the government in Pyongyang to carry out this task.⁸⁰ These efforts were not successful because the DPRK did not show any willingness to "even discuss such a programme of work" and no further technical meetings were convened in 2002.⁸¹

Another factor that led to a peak of tensions in 2002 was a shift in US policy towards North Korea, which changed after George W. Bush took office in 2001. In June 2001, the US government demanded the complete, verifiable, and irreversible dismantlement (CVID) of all nuclear programs in North Korea.⁸² According to Washington, North Korea had violated the *Agreed Framework*. In bilateral talks, North Korea responded to accusations of secretly constructing nuclear enrichment facilities that it had the right to develop nuclear weapons, should it feel threatened.⁸³ Requests by the IAEA to "dispatch a senior team to the DPRK or to receive a DPRK team in Vienna, to discuss recent information and the general question of the implementation of IAEA safeguards in the DPRK"

⁷¹ Clinton, B. and Gallucci, R., *North Korea Nuclear Situation*, 1994.

⁷² Clinton, B. and Gallucci, R., *North Korea Nuclear Situation*, 1994.

⁷³ Clinton, B. and Gallucci, R., *North Korea Nuclear Situation*, 1994.

⁷⁴ Clinton, B. and Gallucci, R., *North Korea Nuclear Situation*, 1994.

⁷⁵ Clinton, B. and Gallucci, R., *North Korea Nuclear Situation*, 1994.

⁷⁶ International Atomic Energy Agency, *IAEA and DPRK. Fact Sheet on DPRK Nuclear Safeguards*, 2009.

⁷⁷ International Atomic Energy Agency, *Application of Safeguards in the Democratic People's Republic of Korea, Report by the Director General*, 2012.

⁷⁸ Arms Control Association, *The U.S.-North Korean Agreed Framework at a Glance*, 2004.

⁷⁹ International Atomic Energy Agency, *IAEA and DPRK. Fact Sheet on DPRK Nuclear Safeguards*, 2009.

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⁸¹ International Atomic Energy Agency, *IAEA and DPRK. Fact Sheet on DPRK Nuclear Safeguards*, 2009.

⁸² Barjori, *The Six-Party Talks on North Korea's Nuclear Program*, 2012.

⁸³ Pritchard, *Failed Diplomacy, The Tragic Story of How North Korea Got The Bomb*, 2007, p. 34-40.

were not answered by the Pyongyang government.⁸⁴ The efforts of the IAEA did not produce the desired results. A resolution by the IAEA Board of Governors insisted that DPRK should reply and cooperate, and led to an exchange of letters between the DPRK and the IAEA which showed the DPRK's decision to lift the freeze on its nuclear facilities.⁸⁵

Following the removal of monitoring devices at the Yongbyon nuclear plant and the subsequent withdrawal of inspectors from the IAEA in December 2002, the DPRK declared its intentions of withdrawing from the NPT in early 2003, generating an international outcry.⁸⁶ A South Korean news agency stated that "should the North turn its threat into action and reactivate the reactor, it would rapidly heighten tension on the Korean peninsula."⁸⁷ The DPRK justified its withdrawal with the fact that the US had stopped fuel supplies to which it was obliged under the 1994 *Agreed Framework*.⁸⁸ The IAEA Board of Governors adopted a resolution denouncing the DPRK's continued non-compliance with the NPT safeguard agreements and referred the matter to the UN Security Council.⁸⁹ The members of the Security Council expressed their deep concern on these developments and Secretary-General Kofi Annan stated that it was crucial "to get the parties talking and to find a format that will be acceptable to both parties and bring them to the table to talk."⁹⁰

Six-Party Talks (2003-2009)

On August 1, 2003, the DPRK government agreed to Six-Party Talks (also known as six-way talks) on its nuclear program with the governments of the Republic of Korea, Japan, China, Russia and the United States. The long-term goal was to end Pyongyang's nuclear program through a negotiating process.⁹¹ The short and medium term goals were to prevent further development of North Korea's nuclear weapons program, especially nuclear tests.⁹² A first round of talks was held in Beijing in the end of August, but without any concrete outcome.⁹³ Further rounds in 2003 and 2004 did not yield results, mainly because of a fundamental disagreement between the DPRK and the United States. The US government urged the DPRK leadership to dismantle its nuclear activities, in a fashion similar to Libya's dismantling program of 2003, whereas the DPRK saw fundamental differences between the Libyan case and its own situation and sought a comprehensive negotiated settlement with adequate compensation such as food and energy assistance.⁹⁴ In the meantime, the United Nations and especially the Security Council remained silent on the issue, to much criticism.⁹⁵ In a major breakthrough, a Joint Statement was reached during the Six-Party Talks in September 2005, including a commitment by the DPRK to abandoning all nuclear weapons and returning to the NPT and to IAEA safeguards.⁹⁶ However, the DPRK announced one day later that it required a civil nuclear reactor, thus thwarting the Joint Statement. A subsequent round of six-way talks in November 2005 did not yield any new results.⁹⁷

In April 2006, the DPRK, which had opposed future six-way talks after the meeting in November 2005, offered to return to the talks if the United States released frozen assets from a Macau bank account.⁹⁸ After the US had turned down this request, the DPRK test-fired several missiles in July 2006, an action condemned by the United Nations Security Council in its resolution 1695 (2006) which was adopted unanimously.⁹⁹ The resolution further demanded that North Korea suspend its ballistic missile program and required all Member States to bar exports and imports of

⁸⁴ International Atomic Energy Agency, *IAEA and DPRK. Fact Sheet on DPRK Nuclear Safeguards*, 2009.

⁸⁵ International Atomic Energy Agency, *IAEA and DPRK. Fact Sheet on DPRK Nuclear Safeguards*, 2009.

⁸⁶ BBC News, *Alarm as North Korea raises Nuclear Stakes*, 2003.

⁸⁷ BBC News, *Alarm as North Korea raises Nuclear Stakes*, 2003.

⁸⁸ Barjori, *The Six-Party Talks on North Korea's Nuclear Program*, 2012.

⁸⁹ International Atomic Energy Agency, *IAEA Board of Governors Adopts Resolution on Safeguards in North Korea*, 2003.

⁹⁰ United Nations News Centre, *Security Council holds talks on DPR of Korea nuclear issue*, 2003.

⁹¹ Barjori, *The Six-Party Talks on North Korea's Nuclear Program*, 2012.

⁹² Barjori, *The Six-Party Talks on North Korea's Nuclear Program*, 2012.

⁹³ BBC News, *Timeline: North Korea nuclear stand-off*, 2007.

⁹⁴ Park, *Inside Multilateralism: The Six-Party-Talks*, 2005, p. 79.

⁹⁵ Arms Control Association, *NPT Withdrawal: Time for the Security Council to Step In*, 2005.

⁹⁶ US Department of State, *Six-Party-Talks*, Beijing, China, 2005.

⁹⁷ BBC News, *Timeline: North Korea nuclear stand-off*, 2007.

⁹⁸ International Atomic Energy Agency, *IAEA and DPRK. Fact Sheet on DPRK Nuclear Safeguards*, 2009.

⁹⁹ United Nations News Centre, *Security Council condemns Democratic People's Republic of Korea's Missile Launches, unanimously adopting Resoluition 1695 (2006)*, 2006.

missile-related materials to the DPRK.¹⁰⁰ Despite the resolution, it was confirmed on October 9, 2006 that North Korea had conducted an underground nuclear explosion in the vicinity of P'unggye, with radioactive debris indicating that a plutonium device had been used.¹⁰¹ This test served as a means to unite the other members of the Six-Party Talks to toughen their stance against the DPRK as well as a turning point in Pyongyang's attitude.¹⁰² Security Council Resolution 1718 (2006) was unanimously adopted under Chapter VII of the UN Charter on October 14, 2006, calling upon North Korea to abandon its nuclear weapons program in a complete, verifiable, and irreversible manner while imposing a series of economic and commercial sanctions under Article 41 of the UN Charter.¹⁰³ The sanctions regime included a complete trade ban on many military items as well as luxury imports and an export ban as well as an extensive freezing of assets owned by North Korean state entities.¹⁰⁴ After a massive negotiation effort mainly led by the Chinese government, all parties declared their intentions to return to the Six-Party Talks as early as in the end of October 2006.¹⁰⁵ New talks in late 2006 and early 2007 led to an agreement on initial steps to implement the 2005 Joint Statement, including shutting off the Yongbyon reactor, which was confirmed later that year by IAEA inspectors.¹⁰⁶

The talks continued through 2007 and 2008. In February 2007, North Korea made a commitment to disable all nuclear facilities and provide a "complete and correct" declaration of its nuclear programs in their entirety.¹⁰⁷ It was confirmed in a Six-Party Joint Statement in October 2007 that the United States would lead disablement activities in the DPRK.¹⁰⁸ After receiving fuel aid from South Korea, the DPRK declared on July 14, 2007 that it had closed its nuclear facilities and was willing to dismantle the entire nuclear program, with IAEA inspectors later verifying that the Pyongyang facilities had indeed been shut down.¹⁰⁹ The necessary IAEA seals and other surveillance and monitoring measures were applied on five nuclear facilities in Yongbyon: the Yongbyon Experimental Nuclear Power Plant No. 1, the Radiochemical Laboratory, the Nuclear Fuel Fabrication Plant, the Nuclear Power Plant No. 2, and the Nuclear Power Plant at Taechon.¹¹⁰ At this point, it was believed that the Six-Party Talks had successfully led the DPRK to abandon its nuclear weapons program.

One year later, in September 2008, the IAEA seals and surveillance mechanisms were removed by the IAEA at request of the DPRK, which also announced that inspectors would no longer have access to the reprocessing plant.¹¹¹ On April 14, 2009, Pyongyang announced that it would no longer take part in the six-way talks.¹¹² A few weeks later, on May 25, 2009, a new nuclear explosion test was conducted that was more successful than the 2006 test, with an explosive yield over five times greater.¹¹³ The following month, the UN Security Council unanimously passed Resolution 1874 (2009) to impose further sanctions on the DPRK.¹¹⁴ Next to reiterating and extending the sanctions imposed through Resolution 1718 (2006), the Security Council also authorized UN Member States to inspect and destroy any cargo containing goods suspected of being connected to its nuclear program.¹¹⁵ Resolution 1874 (2009) further demanded that the DPRK return to the NPT and the IAEA safeguards, provide the IAEA with transparency measures including access to individuals, documentation, equipment and facilities as may be required and deemed necessary by the Agency.¹¹⁶ The DPRK's response to Resolution 1874 (2009) was the release of a

¹⁰⁰ United Nations Security Council, *Resolution 1695 (2006)*, 2006.

¹⁰¹ Nikitin, M., *North Korea's Nuclear Weapons*, 2009, p.9.

¹⁰² Nikitin, M., *North Korea's Nuclear Weapons*, 2009, p.11.

¹⁰³ Nikitin, M., *North Korea's Nuclear Weapons*, 2009, p.11.

¹⁰⁴ United Nations Security Council, *Resolution 1718 (2006)*, 2006.

¹⁰⁵ BBC News, *North Korea talks set to resume*, 2006.

¹⁰⁶ Arms Control Association, *Chronology of U.S.-North Korean Nuclear and Missile Diplomacy*, 2011.

¹⁰⁷ Nikitin, M., *North Korea's Nuclear Weapons*, 2009, p.11.

¹⁰⁸ Nikitin, M., *North Korea's Nuclear Weapons*, 2009, p.11.

¹⁰⁹ Chen, M., *Re-Assessing the International Nuclear Non-Proliferation Regime: A Comparison Between India and North Korea*, 2011, p.147.

¹¹⁰ International Atomic Energy Agency, *IAEA and DPRK. Fact Sheet on DPRK Nuclear Safeguards*, 2009.

¹¹¹ International Atomic Energy Agency, *IAEA and DPRK. Fact Sheet on DPRK Nuclear Safeguards*, 2009.

¹¹² Chen, M., *Re-Assessing the International Nuclear Non-Proliferation Regime: A Comparison Between India and North Korea*, 2011, p.147.

¹¹³ Chen, M., *Re-Assessing the International Nuclear Non-Proliferation Regime: A Comparison Between India and North Korea*, 2011, p.147.

¹¹⁴ United Nations Security Council, *Resolution 1874 (2009)*, 2009.

¹¹⁵ Chen, M., *Re-Assessing the International Nuclear Non-Proliferation Regime: A Comparison Between India and North Korea*, 2011, p.148.

¹¹⁶ United Nations Security Council, *Resolution 1874 (2009)*.

statement condemning the resolution and calling it “another vile product of the US-led offensive of international pressure aimed at undermining the DPRK’s ideology and its system” while claiming this second nuclear test to be “a self-defensive measure as it was conducted to cope with such hostile acts of the US.”¹¹⁷

The Six-Party talks have not reached its goal to denuclearize North Korea. Obstacles in the negotiations were unpredictable actions by the North Korean government and differing approaches by the involved states. While the United States and Japan were in favor of stronger sanctions, China, South Korea and Russia preferred less stringent sanctions because they feared that major refugee influxes could result from a destabilized or toppled regime.¹¹⁸ The Six-Party talks have been stalled until this day.

Recent Developments

Relations between the North and the South deteriorated significantly in 2010 when the Republic of Korea accused the DPRK of having torpedoed one of its naval ships, the *Cheonan*, killing 46 sailors.¹¹⁹ The DPRK leadership denied that it was responsible for this incident.¹²⁰ Tensions heightened further when North Korea revealed a new uranium enrichment facility and light water reactor under construction at Yongbyon. After the discontinuation of the Six-Party Talks in 2009, bilateral talks between the US government and the DPRK continued in July and October 2011.¹²¹ In these negotiations, North Korea signaled willingness to return to the Six-Party Talks but only without preconditions but the US and South Korea insisted that Pyongyang demonstrate commitment to abandon its nuclear weapons and related programs.¹²²

Kim Jong-Il’s death in December 2011 has not altered the DPRK’s policy on its nuclear activities. His son Kim Jung-Un has continued to send mixed signals.¹²³ In early 2012, the DPRK regime had signaled its willingness to return to the Six-Party Talks and suspend uranium enrichment in exchange for food aid, only to announce the launch of another satellite into the orbit to honor Kim Il-Sung’s 100th birthday on April 15, 2012.¹²⁴ On June 1, 2012, the North Korean government informed the IAEA that “the effectiveness of the DPRK’s invitation to the Agency had been discontinued.”¹²⁵ At the opening of the 56th IAEA General Conference in 2012, IAEA Director-General Yukiya Amano voiced his concern regarding the situation in North Korea: “I remain seriously concerned about the nuclear programme of the DPRK. Its statements about uranium enrichment activities and the construction of a light water reactor are deeply troubling. [...], the Agency has not been able to implement any safeguards in the country since April 2009.”¹²⁶

Potential solutions being considered by the international community

In its August 2012 report on the *Application of Safeguards in the Democratic People’s Republic of Korea*, the IAEA Director-General concludes that the knowledge of North Korea’s nuclear program is limited as IAEA safeguards inspectors are still not able to carry out verification activities within the country.¹²⁷ With no inspectors on the ground, the IAEA mainly uses satellite imagery to monitor developments in the DPRK, especially at Yongbyon and the nuclear test sites. Although no significant activity can be reported at the declared facilities, reports by the DPRK itself and observations by the IAEA suggest that significant progress has been made regarding two undeclared facilities at Yongbyon, namely a light water reactor (LWR) and a centrifuge enrichment facility.¹²⁸ However, it

¹¹⁷ Chen, M., *Re-Assessing the International Nuclear Non-Proliferation Regime: A Comparison Between India and North Korea*, 2011, p.148.

¹¹⁸ Barjori, *The Six-Party Talks on North Korea’s Nuclear Program*, 2012.

¹¹⁹ Lee, *Saga of the Cheonan Incident: Sinking of the Six Party Talks?*, 2010.

¹²⁰ Lee, *Saga of the Cheonan Incident: Sinking of the Six Party Talks?*, 2010.

¹²¹ Barjori, *The Six-Party Talks on North Korea’s Nuclear Program*, 2012.

¹²² Barjori, *The Six-Party Talks on North Korea’s Nuclear Program*, 2012.

¹²³ BBC News, *North Korea Profile*, 2012.

¹²⁴ The New York Times, *North Korea Says It Will Launch Satellite Into Orbit*, 2012.

¹²⁵ International Atomic Energy Agency, *Application of Safeguards in the Democratic People’s Republic of Korea, Report by the Director General*, 2012.

¹²⁶ International Atomic Energy Agency, *IAEA Director General Reviews Priorities. IAEA General Conference*, 2012.

¹²⁷ International Atomic Energy Agency, *Application of Safeguards in the Democratic People’s Republic of Korea, Report by the Director General*, 2012.

¹²⁸ International Atomic Energy Agency, *Application of Safeguards in the Democratic People’s Republic of Korea, Report by the Director General*, 2012.

remains difficult to determine how exactly these facilities are designed or when they will be completed if evidence is solely procured through satellite imagery.¹²⁹ The IAEA Director-General has repeatedly called upon the government in Pyongyang to fully comply with its obligations under relevant Security Council resolutions and the NPT, to cooperate promptly with the IAEA in the implementation of its NPT Safeguards Agreement, and to resolve any questions that may have developed during the long absence of IAEA inspectors in the DPRK.¹³⁰ Likewise, the General Conference adopted another resolution on the *Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea* at this year's General Conference, urging the DPRK to "reaffirm its commitment to denuclearization and the 2005 Joint Statement of the Six-Party Talks" and "not to conduct any further nuclear test, to fully comply with all its obligations under United Nations Security Council resolutions 1718 (2006), 1874 (2009)."¹³¹

Even though the statement of February 2012 by the DPRK to suspend the uranium enrichment activities in specific facilities at Yongbyon was initially regarded as a positive step, the problem of verification remains. The concept of suspensions of nuclear activities was first used in 1993 when North Korea agreed to hold all its nuclear activity.¹³² Even though suspensions have been used as a compromise between continuing with and dismantling nuclear weapons programs and related activities, the term of "suspensions" has never been properly defined.¹³³ Suspensions are voluntary measures; no international regulations define what it encompasses or how to monitor or enforce them.¹³⁴ Considering the most recent agreement regarding uranium enrichment facilities, there is no common understanding on whether a suspension means that centrifuges can continue to spin without material or if they have to be stopped completely.¹³⁵ In order for suspensions to be effective, the IAEA needs to ensure that they are not merely a cover for illicit activities and therefore address the question of safeguards measures, applicable before and during suspensions.¹³⁶ This would include full access to all uranium enrichment activities, frequent inspections, video cameras and special seals at such sites.¹³⁷ Although in the beginning of 2012, the government in Pyongyang seemed to be willing to allow IAEA inspectors to nuclear facilities in the country for the first time since 2009, more recently it does not show such willingness.¹³⁸

Conclusion

Although the sanctions regime of the Security Council was not able to prevent North Korea from acquiring nuclear weapons, it was partially able to control the spread of those nuclear weapons. This does not however alter the fact that the IAEA has not been able to carry out comprehensive safeguards inspections in North Korea. In fact, there has been no complete inspection by IAEA officials ever since the DPRK first joined the NPT, despite safeguards being at the core of the NPT regime. Recent action by the IAEA General Conference, Board of Governors as well as a recent Presidential Statement by the Security Council in April 2012 seem to not have great effect on the DPRK's willingness to submit itself to the NPT regime or expose itself to safeguards inspections. This raises the question of whether traditional diplomacy, including the Six-Party talks, have failed. Should these efforts be continued, and what concrete steps could be taken to bring the DPRK back to the negotiating table? Are there possibilities to amend the safeguards agreement concluded by the IAEA and the DPRK to make it more effective? Are sanctions as currently imposed by the Security Council an effective means, or what other measures would be available and should be recommended? In preparing for this topic, delegates need to be aware of past efforts in order to develop new approaches to one of the world's longest-lasting nuclear trouble spots.

¹²⁹ International Atomic Energy Agency, *Application of Safeguards in the Democratic People's Republic of Korea, Report by the Director General*, 2012.

¹³⁰ International Atomic Energy Agency, *Application of Safeguards in the Democratic People's Republic of Korea, Report by the Director General*, 2012.

¹³¹ International Atomic Energy Agency General Conference, *Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea (GC(56)/RES/14)*, 2012.

¹³² Nusbaum, D., Is suspension the solution? *Bulletin of the Atomic Scientist*, 2012.

¹³³ Nusbaum, D., Is suspension the solution? *Bulletin of the Atomic Scientist*, 2012.

¹³⁴ Nusbaum, D., Is suspension the solution? *Bulletin of the Atomic Scientist*, 2012.

¹³⁵ Nusbaum, D., Is suspension the solution? *Bulletin of the Atomic Scientist*, 2012.

¹³⁶ Nusbaum, D., Is suspension the solution? *Bulletin of the Atomic Scientist*, 2012.

¹³⁷ Dahl, F.: *Third time lucky for nuclear watchdog in North Korea?* 2012.

¹³⁸ International Atomic Energy Agency, *Application of Safeguards in the Democratic People's Republic of Korea, Report by the Director General*, 2012.

Annotated Bibliography

Clinton, B. and Gallucci, R. (1994). North Korea Nuclear Situation. *U.S. Department of State Dispatch*, 5 (26): 421. *This is a statement issued by the then-president of the United States in 1994 regarding the confirmation that North Korea provided at the time about freezing the main aspects of its nuclear program. It discusses the goals of the United States in the near future following this announcement regarding the nuclear program and how it envisioned its relationship with the DPRK. This document is of importance to delegates as it puts into perspective the re-ignition of the nuclear program in the late 1990s and how it was perceived by the rest of the world.*

Ford, C. (2011). Stalemate and Beyond: The North Korean Nuclear Impasse and Its Future. *International Journal of Korean Unification Studies*, 20 (2): 121-174.

This paper was written by Christopher Ford, a Senior Fellow of the Hudson Institute in Washington D.C. and an expert in Arms Control, Nonproliferation, and Disarmament Law and Policy. It offers an extensive overview of the Six-Party Talks as well as an overview of recent advancements in the DPRK's nuclear situation as it was recently published in 2011. This document is of importance as it offers an expert opinion as to where the topic could go in the near future, and this could form the starting point for IAEA deliberations on the matter.

International Atomic Energy Agency. (2012). *IAEA and DPRK*. Retrieved: August 8, 2012 from: <http://www.iaea.org/newscenter/focus/iaeadprk/index.shtml>

This website provides a wide range of details and facts regarding the nuclear situation in the DPRK from the perspective of the IAEA. It provides basic fact sheets as well as links to previous IAEA reports and resolutions on the matter. It is of extreme importance to delegates as the news feed provides current information on the topic, which will be useful in the months leading up to the conference to grasp an idea of the current situation.

International Atomic Energy Agency. (2012). *Application of Safeguards in the Democratic People's Republic of Korea. Report by the Director General*. Retrieved November 10, 2012 from: http://www.iaea.org/About/Policy/GC/GC56/GC56Documents/English/gc56-11_en.pdf

This is the latest of the annual reports delivered to the IAEA Board of Governors and General Conference by the IAEA Director-General. It contains the latest developments regarding the IAEA's efforts to carry out safeguards inspections in the DPRK. Giving a concise report on statements made by DPRK officials, action taken by the international community and monitoring measures done by IAEA inspectors, delegates may find this a useful tool for building ideas on action to be taken.

International Atomic Energy Agency General Conference. (2012). *Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea (GC(56)/RES/14)*. Retrieved November 10, 2012 from: http://www.iaea.org/About/Policy/GC/GC56/GC56Resolutions/English/gc56res-14_en.pdf

This is the latest resolution adopted by the IAEA General Conference on the situation in the DPRK. Next to calls for implementation of safeguards measures and complying with NPT commitments as well as obligations under Security Council resolutions 1718 and 1874, it commends the efforts undertaken by the IAEA Secretariat and the Director-General and expresses its support for continued Six-Party-Talks. This is a good example of previous action done by the IAEA on the matter.

International Atomic Energy Agency. (1992). *Agreement of 30 January 1992 between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons*. Retrieved November 10, 2012 from: <http://www.iaea.org/Publications/Documents/Infcircs/Others/inf403.shtml>

This bilateral agreement was concluded between the IAEA and the DPRK in 1992, pursuant to Article III, para. 1 of the NPT. This provision states that "[e]ach non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency." The agreement lines out a comprehensive set of obligations owed to the IAEA, including the provision of information on its nuclear facilities and allowing visits of IAEA inspectors. Delegates might

find this document useful to fully comprehend what obligations DPRK has under the safeguards system, and what the IAEA in turn owes to the DPRK.

Shen, S. (2011). North Korea and Northeast Asian Regional Security. *Journal of Comparative Asian Development*, 10 (2): 197-198.

This paper describes the recent history of the DPRK's role in creating instability and insecurity in the Northeast Asian region as a result of its nuclear program. It examines the impact that the DPRK is having on other countries within the region, specifically talking about relationships with its allies. It is of importance to delegates because it provides insight as to how other countries in the region are interacting with the DPRK and, more specifically, how they are handling the nuclear situation.

United Nations Security Council. (2006). *Security Council Resolution 1718 (2006)*. Retrieved November 12, 2012 from: [http://undocs.org/S/Res/1718\(2006\)](http://undocs.org/S/Res/1718(2006))

This resolution was unanimously adopted under Chapter VII of the UN Charter and implemented economic sanctions against the DPRK. It was a reaction to the nuclear test explosions in 2006, which was seen as a threat to international peace and security. The sanctions regime that was implemented with this resolution is still in place today, altered and extended by Resolution 1874 (below).

United Nations Security Council. (2009, June 12). *Resolution 1874 (2009)*. Retrieved: August 8, 2012 from: [http://undocs.org/S/RES/1864\(2009\)](http://undocs.org/S/RES/1864(2009))

This UN SC resolution was adopted unanimously on June 12, 2009, outlining further economic and commercial sanctions on the DPRK as a result of an underground nuclear test on May 25, 2009. The DPRK's reaction to this resolution was that it said it would consider any new sanctions imposed a "declaration of war" and that this would only further advance its nuclear program. This document is important for delegates as it laid the groundwork for the state of the DPRK's nuclear program over the past few years.

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II. Improving Global Emergency Preparedness for Nuclear Crisis Situations

“When I met with the people of Fukushima, I expected questions about what the world could do for them. Instead, I heard their simple wish for the world: that no country or community should suffer what they had been through. We responded with action. I convened a high-level meeting on nuclear safety and security last September. And I will continue pressing for global progress on this issue.”¹³⁹

Introduction

At the first anniversary concert of the Japanese earthquake that caused the Fukushima Nuclear Disaster, United Nations’ Secretary-General Ban Ki-moon showed the urgency felt by the United Nations to improve global emergency preparedness for nuclear crisis situations.¹⁴⁰ In order to understand how to go about improving global emergency preparedness, one must understand how past nuclear crises have impacted the current debate regarding this issue. The International Atomic Energy Agency (IAEA) is currently working towards creating protocols to help mitigate the damages caused by all types of nuclear crises.¹⁴¹ Global Preparedness occurs when the IAEA has processes in place to help deal with a nuclear crisis; and how to ensure that the IAEA is prepared to handle future nuclear crises comes to the crux of this topic. In order to fully grasp the importance of this topic, it will also be important to understand protocols and documents already created by the IAEA and how they will influence discussions regarding this topic going forward.

Safety Standards, Legal Framework, and International Atomic Energy Agency Conferences

Updating safety standards and evolving as nuclear technology changes is one of the many solutions that the IAEA has put in place to be better equipped to handle nuclear crises situations.¹⁴² Adapting safety standards to ever-changing nuclear technologies and aiding states in increasing their own safety standards to ensure the safety of nuclear energy is one of the IAEA’s most important roles.¹⁴³ This entails supporting accords such as the Global Initiative to Combat Nuclear Terrorism and increasing transparency amongst Member States to allow for all Member States to be better equipped to handle nuclear crises.¹⁴⁴ Important to the IAEA’s work is the legal framework put in place by its Member States to aid in its work. Some of these legal documents include the *Convention on Nuclear Safety* (adopted in 1994), the *Joint Convention on the Safety of Spent Fuel Management and Radioactive Waste Management (Joint Convention)*, adopted in 1997), and the *Convention on the Physical Protection of Nuclear Materials* (adopted in 1979).¹⁴⁵ However, according to the IAEA, there is currently no overarching relevant document that addresses nuclear security in a comprehensive manner.¹⁴⁶ What this has resulted in is the IAEA monitoring compliance with existing treaties by sending out International Teams of Experts (ITE) to Member States to ensure that they adhere to relevant international instruments.¹⁴⁷ Also extremely important is the *IAEA Action Plan on Nuclear Safety* because it is the most current document adopted by the IAEA in terms of nuclear safety.¹⁴⁸ The review conferences and other various conferences that the IAEA holds every few months also play a role in influencing nuclear security because they have the ability to discuss the most recent topics affecting the nuclear security debate.¹⁴⁹

¹³⁹ Ban, *Remarks at Concert Hosted by Japan to mark One-Year Anniversary of the Great East Japan Earthquake*, 2012, p. 1.

¹⁴⁰ Ban, *Remarks at Concert Hosted by Japan to mark One-Year Anniversary of the Great East Japan Earthquake*, 2012, p. 1.

¹⁴¹ International Atomic Energy Agency, *Working to Improve Nuclear Security Globally*, 2012, p. 1.

¹⁴² International Atomic Energy Agency, *Communicating Transparently in Nuclear Emergencies*, 2012, p. 1.

¹⁴³ International Atomic Energy Agency, *Communicating Transparently in Nuclear Emergencies*, 2012, p. 1.

¹⁴⁴ United States Department of State, *Global Initiative to Combat Nuclear Terrorism*, N.D., p. 1.; International Atomic Energy Agency, *Communicating Transparently in Nuclear Emergencies*, 2012, p. 1.

¹⁴⁵ International Atomic Energy Agency, *Convention on Nuclear Safety*, 1994, p. 1.; International Atomic Energy Agency, *Joint Convention on the Safety of Spent Fuel Management and Radioactive Waste Management*, 2001, p. 1.; International Atomic Energy Agency, *Convention on the Physical Protection of Nuclear Materials*, 1997, p. 1.

¹⁴⁶ International Atomic Energy Agency, *Adherence to International Legal Instruments*, 2012, p. 1.

¹⁴⁷ International Atomic Energy Agency, *Adherence to International Legal Instruments*, 2012, p. 1.

¹⁴⁸ International Atomic Energy Agency, *IAEA Action Plan on Nuclear Safety*, 2012, p. 1.

¹⁴⁹ International Atomic Energy Agency, *Key International Events Organized in First-Year Implementation of IAEA Action Plan on Nuclear Safety*, 2012, p. 1.

The March 2012 Nuclear Security Summit in Seoul, South Korea, took an important step towards increasing nuclear security and safety, as it addressed major IAEA areas of work.¹⁵⁰ Some of these areas of work included “renewing their commitment to work towards strengthening nuclear security, reducing the threat of nuclear terrorism and preventing unauthorized acquisition of nuclear materials... facilitating international cooperation and supporting the efforts of countries to fulfill their nuclear security responsibilities.”¹⁵¹ The May 2012 Fourth Review of the Joint Convention meeting was also important as it allowed all State parties to the convention to present their national report and they were required to answer questions from other participating states.¹⁵² Interestingly, this meeting allowed for a “peer review” where delegates answered questions from fellow participants regarding their national reports, therefore encouraging accountability and transparency.¹⁵³ In September of 2012, the IAEA also met to discuss the protection of nuclear power plants from natural disasters.¹⁵⁴ This meeting affected the nuclear security debate because the most recent nuclear crisis in Fukushima was caused at least in part by an earthquake and resulting tsunami.¹⁵⁵ Although this topic was discussed, there were no resolutions passed regarding this topic.¹⁵⁶ One topic that states did discuss, however, was “Measures to Strengthen International Cooperation in Nuclear, Radiation, Transport, and Waste Safety.”¹⁵⁷ The report created by the Director-General of the IAEA (GOV/2012/28-GC(56)/6) will likely impact the debate on this topic, as it addresses all facets of this topic.¹⁵⁸

Past Nuclear Crises that Have Impacted the Nuclear Security Debate

Past nuclear crises that have been relevant in shaping the IAEA’s policies regarding nuclear crises include the Three Mile Island incident, Goiânia, and Chernobyl. The Fukushima Nuclear Disaster, classified by a Japanese parliamentary report as man-made, is classified by the Tokyo Electric Power Company as unforeseeable.¹⁵⁹ Currently, the Fukushima Nuclear Disaster has resulted in the IAEA holding seminars about nuclear disasters and creating the *IAEA Action Plan on Nuclear Safety*.¹⁶⁰ The IAEA seminars are organized by the IAEA Secretariat to discuss relevant international issues affecting nuclear safety, with a total of eight being held in 2012.¹⁶¹ The action plan is one of the many documents that came out of a particular seminar, such as those documents that were created by the Member States of the IAEA during the 56th General Conference in September 2012.¹⁶²

During the first year of the *IAEA Action Plan on Nuclear Safety*, the IAEA participated in:

- The International Expert Meeting on Reactor and Spent Fuel Safety in the Light of the Accident at the Fukushima Daiichi Nuclear Power Plant¹⁶³
- The Technical Meeting on Establishing, Developing and Maintaining Capacity Building in Member States¹⁶⁴

¹⁵⁰ International Atomic Energy Agency, *Nuclear Security Summit Reaffirms IAEA Programmes/Key Role: Seoul Communiqué Addresses Major Areas of Agency's Work*, 2012, p. 1.

¹⁵¹ International Atomic Energy Agency, *Nuclear Security Summit Reaffirms IAEA Programmes/Key Role: Seoul Communiqué Addresses Major Areas of Agency's Work*, 2012, p. 1.

¹⁵² International Atomic Energy Agency, *Safety of Spent Fuel and Radioactive Waste Management: Fourth Review Meeting of Joint Convention Opens on 14 May in Vienna*, 2012, p. 1.

¹⁵³ International Atomic Energy Agency, *Safety of Spent Fuel and Radioactive Waste Management: Fourth Review Meeting of Joint Convention Opens on 14 May in Vienna*, 2012, p. 1.

¹⁵⁴ International Atomic Energy Agency, *International Experts' Meeting to Discuss Protecting Nuclear Power Plants from Natural Hazards*, 2012, p. 1.

¹⁵⁵ World Nuclear Association, *Fukushima Accident 2011*, 2012, p. 1.

¹⁵⁶ International Atomic Energy Agency, *56th IAEA General Conference (2012) Documents*, 2012, p. 1.

¹⁵⁷ International Atomic Energy Agency, *Measures to Strengthen International Cooperation in Nuclear, Radiation, Transport and Waste Safety: Report by the Director General*, 2012, p. 1.

¹⁵⁸ International Atomic Energy Agency, *Measures to Strengthen International Cooperation in Nuclear, Radiation, Transport and Waste Safety: Report by the Director General*, 2012, p. 1.

¹⁵⁹ Oi, *Nuclear Disaster 'Man-Made' Says Report*, 2012, p. 1.; International Atomic Energy Agency, *Experts Consider Fukushima Accident Causes*, 2012, p. 1.

¹⁶⁰ International Atomic Energy Agency, *Key International Events Organized in First-Year Implementation of IAEA Action Plan on Nuclear Safety*, 2012, p. 1.

¹⁶¹ International Atomic Energy Agency, *IAEA Meetings in 2012*, 2012, p. 1.

¹⁶² International Atomic Energy Agency, *56th IAEA General Conference (2012) Documents*, 2012, p. 1.

¹⁶³ International Atomic Energy Agency, *Key International Events Organized in First-Year Implementation of IAEA Action Plan on Nuclear Safety*, 2012, p. 1.

- The International Experts' Meeting on Enhancing Transparency and Communication Effectiveness in the Event of a Nuclear or Radiological Emergency.¹⁶⁵

The IAEA will also participate in both the International Experts' Meeting on Protection against Extreme Earthquakes and Tsunamis in the Light of the Accident at the Fukushima Daiichi Nuclear Power Plant and the Fukushima Ministerial Conference on Nuclear Safety before the end of 2012.¹⁶⁶ These meetings have all been participated in and organized by the IAEA and are “aimed at strengthening the global nuclear safety regime.”¹⁶⁷ In order to fully grasp the current debate, it is crucial to take a closer look at the major nuclear crises throughout the past decades; the first incident that impacted the nuclear security debate being the Three Mile Island Nuclear Incident in 1979.¹⁶⁸

Three Mile Island Incident

The Three Mile Island Nuclear Incident took place in Middletown, Pennsylvania in the United States of America on March 28, 1979 at the Three Mile Island Unit 2 (TMI-2) Nuclear Power Plant.¹⁶⁹ TMI-2 had a severe core meltdown, which is one of the most severe nuclear incidents that can occur.¹⁷⁰ However, it was not as harmful to the surrounding areas, population, and environment as originally assumed.¹⁷¹ What it changed were the United States Nuclear Regulatory Commission's policies regarding nuclear safety and the protocols that they had in place at the time to react to nuclear crises.¹⁷² As of today, the TMI-2 Nuclear Power Plant is no longer operating.¹⁷³ The next nuclear crisis occurred over six years later, at the Chernobyl Nuclear Plant in one of the IAEA's Member States, Ukraine.¹⁷⁴

Chernobyl Disaster

The Chernobyl Disaster took place on April 26, 1986 when workers at the facility incorrectly administered a routine safety test.¹⁷⁵ The result was an explosion and a fire that burned at the facility for 10 days.¹⁷⁶ The disaster itself caused the death of two individuals the night of the accident and another 28 deaths within the three months that followed the incident.¹⁷⁷ The United Nations believes that over time the incident will cause another 4,000 deaths resulting from cancer-related incidents.¹⁷⁸ However, “major environmental organizations have accused the report of whitewashing Chernobyl's impact and state that more than 100,000 people have already died as a consequence of the disaster.”¹⁷⁹ The impact of Chernobyl was dynamic in terms of developing nuclear crises protocols and still influences the protocols in place by the IAEA today.¹⁸⁰

During the 25th Anniversary of Chernobyl, the United Nations Secretary-General, Ban Ki-moon, the Director-General of the IAEA, Yukiya Amano, and the President of Ukraine, Viktor Yanukovich, made a joint visit to the

¹⁶⁴ International Atomic Energy Agency, *Key International Events Organized in First-Year Implementation of IAEA Action Plan on Nuclear Safety*, 2012, p. 1.

¹⁶⁵ International Atomic Energy Agency, *Key International Events Organized in First-Year Implementation of IAEA Action Plan on Nuclear Safety*, 2012, p. 1.

¹⁶⁶ International Atomic Energy Agency, *Key International Events Organized in First-Year Implementation of IAEA Action Plan on Nuclear Safety*, 2012, p. 1.

¹⁶⁷ International Atomic Energy Agency, *Key International Events Organized in First-Year Implementation of IAEA Action Plan on Nuclear Safety*, 2012, p. 1.

¹⁶⁸ United States Nuclear Regulatory Commission, *Backgrounder on The Three Mile Island Incident*, 2011, p. 1.

¹⁶⁹ United States Nuclear Regulatory Commission, *Backgrounder on The Three Mile Island Incident*, 2011, p. 1.

¹⁷⁰ United States Nuclear Regulatory Commission, *Backgrounder on The Three Mile Island Incident*, 2011, p. 1.

¹⁷¹ United States Nuclear Regulatory Commission, *Backgrounder on The Three Mile Island Incident*, 2011, p. 1.

¹⁷² United States Nuclear Regulatory Commission, *Backgrounder on The Three Mile Island Incident*, 2011, p. 1.

¹⁷³ World Nuclear Association, *Three Mile Island Accident*, 2012, p. 1.

¹⁷⁴ Huffington Post, *Chernobyl: 25 Years After the Nuclear Disaster*, 2001, p. 1.

¹⁷⁵ Huffington Post, *Chernobyl: 25 Years After the Nuclear Disaster*, 2001, p. 1.

¹⁷⁶ Huffington Post, *Chernobyl: 25 Years After the Nuclear Disaster*, 2001, p. 1.

¹⁷⁷ World Nuclear Association, *Chernobyl Accident 1986*, 2012, p. 1.

¹⁷⁸ Huffington Post, *Chernobyl: 25 Years After the Nuclear Disaster*, 2001, p. 1.

¹⁷⁹ Huffington Post, *Chernobyl: 25 Years After the Nuclear Disaster*, 2001, p. 1.

¹⁸⁰ International Atomic Energy Agency, *IAEA Chief Visits Chernobyl Accident Site, Calls for Strengthened Nuclear Safety*, 2011, p. 1.

Chernobyl Reactor.¹⁸¹ At the occasion of the visit, Mr. Amano stated that “more needs to be done to ensure that a 'Safety First' approach becomes fully entrenched among nuclear power plant operators, governments and regulators,” and called on Member States to do so.¹⁸² Although the Chernobyl incident is one that has majorly changed the work of the IAEA, the international community was not ready to face another nuclear disaster so shortly after the Chernobyl disaster, but was forced to a little over a year after when the Goiânia incident occurred.¹⁸³

Goiânia

On September 13, 1987, a junkyard dealer in Goiânia, Brazil broke into an abandoned radiotherapy machine and removed highly radioactive material.¹⁸⁴ As a result, four individuals were killed and over 300 people were contaminated.¹⁸⁵ The government of Brazil responded by destroying several city blocks in order to contain the contamination.¹⁸⁶ The result of this incident caused the IAEA to develop strategies on proper disposal and transport of spent fuel.¹⁸⁷ In an opinion article written by the Director-General of the IAEA, Mr. Amano discusses how the Goiânia incident is also the best measure of what would occur if a dirty bomb were created and released into a community.¹⁸⁸ The Goiânia incident has resulted in the world attempting to do a better job securing nuclear materials, yet nothing has impacted the topic of nuclear security more in recent history than the Fukushima Nuclear Disaster.¹⁸⁹

Fukushima Daiichi Nuclear Disaster

On March 11, 2011, an earthquake and tsunami rocked the east coast of northern Japan.¹⁹⁰ What no one could have predicted was that the natural disaster would trigger a nuclear disaster.¹⁹¹ The natural disaster resulted in the power supply being disabled and caused the cooling systems of the nuclear power plant to fail.¹⁹² The government was able to remove the citizens present from the zone of danger and therefore prevent any deaths during the accident.¹⁹³ Recently, a Japanese Parliamentary Panel that investigated the nuclear disaster said that the disaster was, to a certain extent, man-made, and an effective human response could have mitigated the damages caused by the nuclear power plant.¹⁹⁴ The report went on to further conclude that “Japanese culture, such as, obedience and reluctance to question authority” resulted in a failure to mitigate the damage caused by the Fukushima Daiichi Power Plant.¹⁹⁵ Because of this report and others coming from Japanese and independent IAEA studies, the IAEA maintains its commitment to develop solutions to mitigate damages caused by such nuclear disasters, by learning from these lessons of past failures.¹⁹⁶ One such commitment by the IAEA includes trying to develop solutions to prevent future nuclear crises.¹⁹⁷

¹⁸¹ International Atomic Energy Agency, *IAEA Chief Visits Chernobyl Accident Site, Calls for Strengthened Nuclear Safety*, 2011, p. 1.

¹⁸² International Atomic Energy Agency, *IAEA Chief Visits Chernobyl Accident Site, Calls for Strengthened Nuclear Safety*, 2011, p. 1.

¹⁸³ Time Magazine, *Goiania Accident: September 13, 1987*, 2011, p. 1.

¹⁸⁴ Time Magazine, *Goiania Accident: September 13, 1987*, 2011, p. 1.

¹⁸⁵ Time Magazine, *Goiania Accident: September 13, 1987*, 2011, p. 1.

¹⁸⁶ Time Magazine, *Goiania Accident: September 13, 1987*, 2011, p. 1.

¹⁸⁷ Amano, *Time to Better Secure Radioactive Materials*, 2012, p. 2.

¹⁸⁸ Amano, *Time to Better Secure Radioactive Materials*, 2012, p. 2.

¹⁸⁹ International Atomic Energy Agency, *Experts Consider Fukushima Accident Causes*, 2012, p. 1.

¹⁹⁰ American Nuclear Society, *Fukushima Daiichi: ANS Committee Report*, N.D., p. 1.

¹⁹¹ American Nuclear Society, *Fukushima Daiichi: ANS Committee Report*, N.D., p. 1.

¹⁹² World Nuclear Association, *Fukushima Accident 2011*, 2012, p. 1.

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¹⁹⁴ Oi, *Nuclear Disaster 'Man-Made' Says Report*, 2012, p. 1.; International Atomic Energy Agency, *Experts Consider Fukushima Accident Causes*, 2012, p. 1.

¹⁹⁵ Oi, *Nuclear Disaster 'Man-Made' Says Report*, 2012, p. 1.; International Atomic Energy Agency, *Experts Consider Fukushima Accident Causes*, 2012, p. 1.

¹⁹⁶ International Atomic Energy Agency, *IAEA International Expert Meeting on Fukushima Accident Proposes Safety Improvements*, 2012, p. 1.

¹⁹⁷ International Atomic Energy Agency, *IAEA International Expert Meeting on Fukushima Accident Proposes Safety Improvements*, 2012, p. 1.

Potential Future Nuclear Crises

Potential future nuclear crises are examples of crises that have not occurred yet, but that the IAEA is attempting to prevent.¹⁹⁸ Examples of potential nuclear disasters include nuclear terrorism (such as dirty bombs) and the potential harms that could occur if the safety of spent fuel during transport and storage is compromised.¹⁹⁹ These are the two types of nuclear disasters the IAEA believes can occur and that they are fighting to prevent.²⁰⁰

Nuclear Terrorism

Currently, one of the biggest fears faced by many Member States is the idea of a terrorist organization having a nuclear weapon in their possession, and there is a consensus that this is a real threat.²⁰¹ At least four recognized terrorist organizations have expressed their desire to obtain a nuclear weapon, specifically a dirty bomb.²⁰² According to former United Nations Secretary-General Kofi Annan, “an act of nuclear terrorism ‘would thrust tens of millions of people into dire poverty’ and create ‘a second death toll throughout the developing world.’”²⁰³ In 2010, US President Barack Obama held a summit in Washington D.C. in regards to the safeguard of nuclear materials.²⁰⁴ This put nuclear security high on the agenda of multiple world leaders, and the topic was again discussed during the March 2012 Nuclear Security Summit in Seoul, South Korea.²⁰⁵ The *Seoul Communiqué*, published on the final day by the IAEA, “noted the essential role of the IAEA in facilitating international cooperation and supporting the efforts of countries to fulfill their nuclear security responsibilities.”²⁰⁶ Given the duties of the IAEA, an interesting facet of the nuclear security debate is a discussion regarding the Fukushima Daiichi Nuclear Disaster.²⁰⁷

According to facts coming out of the Seoul Summit, had Japan implemented some of the recommendations made to them by the US regarding anti-terrorist measures, Japan could have mitigated the damage caused to the Fukushima Daiichi Nuclear Power Plant.²⁰⁸ Documents published since the Fukushima Disaster put forward that this type of disaster was not unforeseeable and the possibility that this could occur was simply ignored by the Japanese government.²⁰⁹ The reason that Japan had not instituted anti-terrorist measures at any of its nuclear power plants is because the Japanese government believed that a September 11th style attack on its nuclear power plants would be inconceivable.²¹⁰ According to an article published by the Associated Press, “as leaders from around the world head to Seoul for a major summit this week on nuclear security, Japan's disaster at its Fukushima plant has provided a salient example of how solid protections against terrorist attacks go hand in hand with protections against natural disasters.”²¹¹ As evidenced by these meetings, nuclear security is important to prevent nuclear terrorism, but is also vitally important in order to safeguard the transport of spent fuel and radioactive waste.²¹²

The Transportation and Safety of Spent Fuel and Radioactive Waste

One of the major duties of the IAEA is to help maintain the safety of spent fuel and radioactive waste during transportation and storage.²¹³ The Goiânia incident is a salient example of what could occur if nuclear fuel is not

¹⁹⁸ International Atomic Energy Agency, *Nuclear Security Summit Reaffirms IAEA Programmes/Key Role: Seoul Communiqué Addresses Major Areas of Agency's Work*, 2012, p. 1.

¹⁹⁹ International Atomic Energy Agency, *Nuclear Security Summit Reaffirms IAEA Programmes/Key Role: Seoul Communiqué Addresses Major Areas of Agency's Work*, 2012, p. 1.

²⁰⁰ International Atomic Energy Agency, *Nuclear Security Summit Reaffirms IAEA Programmes/Key Role: Seoul Communiqué Addresses Major Areas of Agency's Work*, 2012, p. 1.

²⁰¹ Brill and Luongo, *Nuclear Terrorism: A Clear Danger*, 2012, p. 1.

²⁰² Brill and Luongo, *Nuclear Terrorism: A Clear Danger*, 2012, p. 1.

²⁰³ Brill and Luongo, *Nuclear Terrorism: A Clear Danger*, 2012, p. 1.

²⁰⁴ Brill and Luongo, *Nuclear Terrorism: A Clear Danger*, 2012, p. 2.

²⁰⁵ International Atomic Energy Agency, *Nuclear Security Summit Reaffirms IAEA Programmes/Key Role: Seoul Communiqué Addresses Major Areas of Agency's Work*, 2012, p. 1.

²⁰⁶ International Atomic Energy Agency, *Nuclear Security Summit Reaffirms IAEA Programmes/Key Role: Seoul Communiqué Addresses Major Areas of Agency's Work*, 2012, p. 1.

²⁰⁷ Associated Press, *Japan To Push Anti-Terrorism Measures at Nuclear Plants*, 2012, p. 1.

²⁰⁸ Associated Press, *Japan To Push Anti-Terrorism Measures at Nuclear Plants*, 2012, p. 1.

²⁰⁹ Associated Press, *Japan To Push Anti-Terrorism Measures at Nuclear Plants*, 2012, p. 1.

²¹⁰ Associated Press, *Japan To Push Anti-Terrorism Measures at Nuclear Plants*, 2012, p. 1.

²¹¹ Associated Press, *Japan To Push Anti-Terrorism Measures at Nuclear Plants*, 2012, p. 1.

²¹² International Atomic Energy Agency, *Keeping it Safe: Spent Fuel and Radioactive Waste Management*, 2012, p. 1.

²¹³ International Atomic Energy Agency, *Keeping it Safe: Spent Fuel and Radioactive Waste Management*, 2012, p. 1.

protected.²¹⁴ Although nuclear power plants produce much less radioactive waste than the waste issued by a traditional coal power plant, the storage of the byproduct is much more difficult.²¹⁵ One solution to this problem that the IAEA proposes is a global safety regime regarding radioactive waste and spent fuel.²¹⁶ Yet, what is alarming about this issue is that although many Member States have developed temporary solutions to store radioactive waste, only three Member States (France, Finland, and Sweden) are currently leading the cause to find a deep, geological solution to store the radioactive waste.²¹⁷ Finland has developed the most positive results to date, as their deep, geological plan is both supported by the public and the is in the preliminary stages of obtaining a construction license to create such a facility.²¹⁸ The IAEA has, however, developed a protocol for waste management and spent fuel, and assists Member States in the application of these safety standards.²¹⁹ Additionally, the IAEA has continued to update these safety standards every year to better suit the desire to meet necessary safety precautions.²²⁰

Conclusion

Increasing global preparedness for nuclear crises is one of the most important roles played by the IAEA as a nuclear disaster has the ability to harm an enormous number of individuals through one crisis. Nuclear crises have caused the deaths of multiple individuals, forced evacuations of hundreds of thousands of people, and have caused formerly thriving cities to become figurative ghost towns.²²¹ Some of the most important questions are in regards to how to address nuclear crises when they happen, how to do so effectively, and how to go about doing so in the safest manner possible. Given the countless number of conventions, protocols, and safety standards, is there a way to streamline this process? Should each nuclear power plant be required to give reports directly to the IAEA? Should the IAEA be responsible for monitoring safety protocols and ensure that all nuclear power plants are in compliance? How should the IAEA encourage Member States to sign onto existing conventions and participate in meetings such as the May 2012 Fourth Review of the Joint Convention? How can more Member States be encouraged to seek deep, geological solutions to dispose of their radioactive waste? Answering these questions will aid in developing solutions to improve global emergency preparedness for nuclear crises situations, and will go further in ensuring that these types of situations can be avoided altogether.

²¹⁴ Time Magazine, *Goiania Accident: September 13, 1987*, 2011, p. 1.

²¹⁵ International Atomic Energy Agency, *Keeping it Safe: Spent Fuel and Radioactive Waste Management*, 2012, p. 1.

²¹⁶ International Atomic Energy Agency, *Keeping it Safe: Spent Fuel and Radioactive Waste Management*, 2012, p. 1.

²¹⁷ International Atomic Energy Agency, *Keeping it Safe: Spent Fuel and Radioactive Waste Management*, 2012, p. 1.

²¹⁸ International Atomic Energy Agency, *Keeping it Safe: Spent Fuel and Radioactive Waste Management*, 2012, p. 1.

²¹⁹ International Atomic Energy Agency, *Safety of Radioactive Waste and Spent Fuel Management*, 2012, p. 1.

²²⁰ International Atomic Energy Agency, *Keeping Radioactive Materials and Transport Safe*, 2011, p. 1.

²²¹ Time Magazine, *Goiania Accident: September 13, 1987*, 2011, p. 1.

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This article, written by the Director-General of the International Atomic Energy Agency, Mr. Yukiya Amano, discusses the need to secure radioactive material and the incidents that could result if the materials were not secured. All delegates should read this article as it discusses the International Atomic Energy Agency's position on the safety of radioactive materials. This article also discusses an Amendment to the Convention on the Physical Protection of Nuclear Materials, which is of great significance to the debate of this topic.

International Atomic Energy Agency. (2012, June 19). *Communicating Transparently in Nuclear Emergencies*. Retrieved August 6, 2012 from: <http://www.iaea.org/newscenter/news/2012/communicationstrans.html>.

In June 2012, a three-day experts meeting was held at the International Atomic Energy Agency's headquarters to discuss nuclear emergency preparedness and the ability to respond to nuclear crisis. The experts discussed issues related to transparency, communication, and the need to be able to learn from the Fukushima Nuclear Incident. As all three are related to effectively managing a nuclear crisis, this article is a must-read for delegates.

International Atomic Energy Agency. (1994, July 5). *Convention on Nuclear Safety*. Retrieved September 1, 2012 from: <http://www.iaea.org/Publications/Documents/Infcircs/Others/inf449.shtml>.

This convention, though written almost 20 years ago, is still extremely relevant to the debate on nuclear safety today. During a nuclear crisis, the most important objective is to maintain nuclear safety precautions. As this convention will guide the debate, delegates should be familiar with this before the beginning of the conference.

International Atomic Energy Agency. (2012). *IAEA Action Plan on Nuclear Safety Newscenter*. Retrieved September 1, 2012 from: <http://www.iaea.org/newscenter/focus/actionplan/>.

The International Atomic Energy Agency's Action Plan on Nuclear Safety is the most current safety plan put in place by the International Atomic Energy Agency, and thus it is extremely important to the debate of this topic that delegates have an understanding of the Action Plan. From this Web site, delegates will be able to keep in touch with all related news and information regarding the Action Plan. This is must-read for all delegates, as the action plan will most certainly affect the debate on this topic.

International Atomic Energy Agency. (2012, March 23). *IAEA International Expert Meeting on Fukushima Accident Proposes Safety Improvements*. Retrieved August 7, 2012 from: <http://www.iaea.org/newscenter/news/2012/fukushimasafety.html>.

This article discusses the results of an international experts meeting that took place in late-March 2012 to discuss the causes of the Fukushima Nuclear Incident. This article discusses the need to understand what has taken place in Fukushima and use it to help prevent future, similar nuclear incidents. Delegates representing Member States that have more cause for concern of a nuclear crisis developing from a natural disaster versus a man-made incident will likely find this article to be a helpful.

International Atomic Energy Agency. (2012). *In Focus: Chernobyl*. Retrieved September 1, 2012 from: <http://www.iaea.org/newscenter/focus/chernobyl/>.

This Web site discusses the Chernobyl incident in detail and also is the portion of the IAEA where all relevant news regarding Chernobyl is accessible. Delegates representing Member States that were formerly members of the Soviet Union will likely find this Web site to be the most helpful to their research. Delegates are also able to read stories about residents impacted by the Chernobyl incident, thus giving them a personal understanding of how much of an impact the Chernobyl disaster had on Ukrainian residents in 1986 and how much the disaster impacts the work of the International Atomic Energy Agency today.

International Atomic Energy Agency. (1997, December 24). *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*. Retrieved August 6, 2012 from: <http://www.iaea.org/Publications/Documents/Infcircs/1997/infcirc546.pdf>.

This is one of the multiple treaties that will impact the work of the delegates in the committee as it discusses the need to ensure the safety of spent fuel. Delegates representing Member States that have operating nuclear reactors or spent fuel within their territories will need to understand this treaty, as it changed the work of the body. This is also one of the areas that the International Atomic Energy Agency has attempted to preempt and thus could guide how the body chooses to tackle other possible crises.

International Atomic Energy Agency. (2012, August 17). *Keeping It Safe: Spent Fuel and Radioactive Waste Management*. Retrieved September 1, 2012 from: <http://www.iaea.org/newscenter/news/2012/keepingsafe.html>.

This recent article published by the International Atomic Energy Agency describes the creation of spent fuel and radioactive waste and the problems that arise when attempting to store and transport the material. The article goes on to discuss the need to establish a global safety regime and what it would take to create such a regime. Delegates representing Member States that see this as a major issue should use this article to help prepare for the conference.

International Atomic Energy Agency. (2012, March 22). *Working to Improve Nuclear Security Globally*. Retrieved August 6, 2012 from: <http://www.iaea.org/newscenter/news/2012/nsgglobally.html>.

The news article published by the IAEA was in regards to the March 2012 Seoul Meeting regarding global nuclear security. During the meeting, multiple topics were discussed, and this article discusses the major sources of nuclear crisis that needed to be analyzed at this meeting. The article is an important read as it provides a brief overview of many nuclear crisis situations, and the links stemming off of this article include news videos that can be extremely helpful for delegates.

New Delhi Television. (2012). *Japan to Push Anti-Terror Measures at Nuclear Plants*. Retrieved August 6, 2012 from: <http://www.ndtv.com/article/world/japan-to-push-anti-terror-measures-at-nuclear-plants-189840>.

When discussing nuclear security issues, it is interesting to see that anti-terror measures can be used effectively to help prevent nuclear crises created by natural disasters. In this article, the author discusses how the United States sent a list of suggestions to Japan in order to prevent a September 11th style attack on a nuclear site, and how these measures could have effectively aided Japan in containing the Fukushima Nuclear incident. This article therefore explains how both nuclear terror prevention and nuclear crisis prevention are relevant to each other.

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III. Strengthening IAEA Safeguards and the International Nuclear Security Framework

*“The future evolution of nuclear safeguards lies in the realization by the international community that this form of verification is a security bargain that deserves openness, hard-headed scrutiny, commitment, finances and resources commensurate with its significance for international security.”*²²²

Safeguards History and Definitions

Amongst the activities of the International Atomic Energy Agency (IAEA), the implementation of safeguards is perhaps the most recognized and the most controversial of all.²²³ As the framework through which the IAEA ensures that nuclear material is ensured and accounted for, the safeguards system of the IAEA is as contentious as it is necessary.²²⁴ Article III of the *IAEA Statute* mandates the Agency to “establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information... are not used in such a way as to further any military purpose.”²²⁵ Indeed, the United Nations (UN) Security Council (SC) considers the proliferation of nuclear material as an important threat to international peace and security.²²⁶ As defined by the IAEA, safeguards “are activities by which the IAEA can verify that a State is living up to its international commitments not to use nuclear programs for nuclear-weapons purposes.”²²⁷ That is to say, there is a set of measures that a Member State agrees to, so that the IAEA can verify that said Member State’s stockpile of nuclear material is being used for peaceful purposes only.²²⁸ Nuclear material that can be used in the production of nuclear weapons is defined as “source material or special fissionable material.”²²⁹ This includes plutonium-239, uranium-233 and uranium-235, (Highly Enriched Uranium or HEU).²³⁰ When the *Nuclear Non-Proliferation Treaty* (NPT) was drafted in 1968, it requested that non-nuclear weapon states enter into safeguards agreements with the IAEA to allow for the Agency to monitor compliance with the NPT.²³¹ Furthermore, the treaty requests that States Party to the NPT apply safeguards to the transfer of nuclear material to and from non-nuclear weapons states.²³²

After the entry into force of the NPT in 1972, the IAEA Board of Governors adopted *The Structure And Content Of Agreements Between The Agency And States Required In Connection With The Treaty On The Non-Proliferation Of Nuclear Weapons* (INFCIRC/153(Corrected)); a report outlining the definition and scope of safeguards agreements.²³³ The document explains that the IAEA will only safeguard those materials that have reached the enrichment levels that would allow them to be used in the production of nuclear weapons.²³⁴ Mining and other activities were not subject to such inspections.²³⁵ The document also calls for the establishment of a “national system of accounting for and control of all nuclear material.”²³⁶ Now known as the State System of Accounting and Control (SSAC), the SSAC is responsible for the accountancy and recording of all nuclear material in a country, and

²²² Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 80.

²²³ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012.

²²⁴ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012.

²²⁵ International Atomic Energy Agency, *The Statute of the IAEA*.

²²⁶ United Nations Security Council, *Resolution 1540 (2004)*, 2004, p. 1.

²²⁷ International Atomic Energy Agency, *Factsheets & FAQs: IAEA Safeguards Overview Comprehensive Safeguards Agreements and Additional Protocols*.

²²⁸ International Atomic Energy Agency, *Factsheets & FAQs: IAEA Safeguards Overview Comprehensive Safeguards Agreements and Additional Protocols*.

²²⁹ International Atomic Energy Agency, *Factsheets & FAQs: IAEA Safeguards Overview Comprehensive Safeguards Agreements and Additional Protocols*.

²³⁰ International Atomic Energy Agency, *Radioactive Waste Management Glossary*, 2003, pp. 19-45.

²³¹ *Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/140)*, 1970, Article III.

²³² *Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/140)*, 1970, Article III.

²³³ International Atomic Energy Agency, *The Structure and Content of Agreements between the Agency and States required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153(Corr.))*, 1972.

²³⁴ International Atomic Energy Agency, *The Structure and Content of Agreements between the Agency and States required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153(Corr.))*, 1972.

²³⁵ International Atomic Energy Agency, *The Structure and Content of Agreements between the Agency and States required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153(Corr.))*, 1972, p. 10.

²³⁶ International Atomic Energy Agency, *The Structure and Content of Agreements between the Agency and States required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153(Corr.))*, 1972, p. 3.

is the primary point of contact between a Member State and the IAEA for all verification purposes.²³⁷ To further strengthen this system, regional systems of accounting and control have been put in place.²³⁸ In accordance with safeguards agreements concluded bilaterally between the IAEA and each state, the IAEA conducts a range of activities to verify the accuracy and totality of a country's nuclear materials; these encompass "on-site inspections, visits, and ongoing monitoring and evaluation."²³⁹ The Agency carries out inspections according to each situation's requirements; initially, ad hoc inspections are done at the beginning of a safeguards agreement, to verify a country's first report.²⁴⁰ Routine inspections are the most common, and can be either scheduled in advance or on short notice.²⁴¹ These inspections only allow for the assessment of strategic points within a nuclear facility; namely, "those locations...through which nuclear material is expected to flow."²⁴² Finally, special inspections are called for when the IAEA finds an irregularity in a state's report, or cannot verify its accuracy.²⁴³ The strength of safeguards has historically varied in range. States that are party to the NPT are required to establish a *Comprehensive Safeguards Agreement* (CSA) with the IAEA.²⁴⁴ To-date, only 14 out of the 189 states party to the NPT have CSAs not yet brought into force.²⁴⁵ However, CSAs alone cannot account for all the nuclear material that could be diverted for non-peaceful purposes, as they were created to oversee nuclear facilities, but did not take into account the diversion of such material elsewhere.²⁴⁶

Strengthening Safeguards: Additional Protocols

After the discovery of an undeclared nuclear plant in Iraq in 1990, Member States agreed on the need for strengthened safeguards.²⁴⁷ Following this incident, the IAEA Board of Governors decided in 1992 that under its safeguards activities, the Agency had a responsibility to verify not only the "correctness" of a country's reports on nuclear material, but also its "completeness."²⁴⁸ This decision would allow the IAEA to verify the safety and proper use of all fissionable material, as opposed to solely that which was included in a Member State's report.²⁴⁹ For this, the IAEA adopted an *Additional Protocol* (AP).²⁵⁰ APs, agreed upon between the Agency and each Member State, made provisions for additional inspections of locations previously not included in CSAs.²⁵¹ The *Model Additional Protocol* (INFCIRC/540) outlines that the IAEA will have access to mining areas, decommissioned facilities, and any other location where nuclear activities could be taking place.²⁵² Similarly, Locations Outside Facilities (LOFs) are places where less than one kilogram of fissile material can be found; and they are also subject to reporting.²⁵³ The AP allows for environmental sampling, short-notice visits and general access to all areas where nuclear material can be found, even if not used in the nuclear fuel cycle.²⁵⁴ This is called Complementary Access.²⁵⁵ As one

²³⁷ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 67.

²³⁸ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012.

²³⁹ International Atomic Energy Agency, *Factsheets & FAQs: IAEA Safeguards Overview Comprehensive Safeguards Agreements and Additional Protocols*.

²⁴⁰ International Atomic Energy Agency, *Factsheets & FAQs: IAEA Safeguards Overview Comprehensive Safeguards Agreements and Additional Protocols*.

²⁴¹ International Atomic Energy Agency, *Factsheets & FAQs: IAEA Safeguards Overview Comprehensive Safeguards Agreements and Additional Protocols*.

²⁴² International Atomic Energy Agency, *Factsheets & FAQs: IAEA Safeguards Overview Comprehensive Safeguards Agreements and Additional Protocols*.

²⁴³ International Atomic Energy Agency, *Factsheets & FAQs: IAEA Safeguards Overview Comprehensive Safeguards Agreements and Additional Protocols*.

²⁴⁴ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 2.

²⁴⁵ International Atomic Energy Agency, *Status List: Conclusion of Safeguards Agreements, Additional Protocols and Small Quantities Protocols*, 2012, p. 5.

²⁴⁶ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*.

²⁴⁷ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*.

²⁴⁸ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 2.

²⁴⁹ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 2.

²⁵⁰ International Atomic Energy Agency, *IAEA Safeguards: Stemming the Spread of Nuclear Weapons*, IAEA Bulletin Vol. 43, No. 4, 2001, pp. 2-3.

²⁵¹ The International Atomic Energy Agency, *Model Protocol Additional to the Agreement(s) Between State(s) and the International Atomic Energy Agency for the Application of Safeguards (INFCIRC/540)*, 1997, pp. 2-8.

²⁵² The International Atomic Energy Agency, *Model Protocol Additional to the Agreement(s) Between State(s) and the International Atomic Energy Agency for the Application of Safeguards (INFCIRC/540)*, 1997, pp. 2-8.

²⁵³ International Atomic Energy Agency, *Overview of Safeguards Requirements for States with Limited Nuclear Material and Activities*, p. 12.

²⁵⁴ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 6.

researcher explains, “[t]he AP enables the IAEA to develop a holistic view of a state’s nuclear activities, as opposed to one that is based solely on materials and facilities.”²⁵⁶ Further, Integrated Safeguards is the term used to identify a country that has concluded both a CSA and an AP.²⁵⁷ According to *The Safeguards system of the IAEA*, the IAEA can only truly verify the entirety of a country’s nuclear stockpile, when the country has both a CSA and an AP in place.²⁵⁸

There are, however, some countries that have only a very limited amount of nuclear material, and as such, would not be able to develop a nuclear weapon.²⁵⁹ For these countries, the IAEA has established, in addition to a CSA, a *Small Quantities Protocol* (SQP).²⁶⁰ SQPs cannot be established if there is an existing nuclear facility or if the Member State has the intention of building one.²⁶¹ The SQP designates a threshold for further establishment of IAEA safeguards.²⁶² In addition, although not required by the NPT, some Nuclear Weapons States have undertaken voluntary safeguards, called *Voluntary Offer Agreements* (VOA).²⁶³ VOAs apply only to specific facilities and leave out “those with national security significance.”²⁶⁴ Lastly, the IAEA can implement *Item-Specific Safeguard Agreements*, which apply exclusively to particular items or facilities negotiated in advance.²⁶⁵ To-date, such agreements have only been applied to India, Pakistan and Israel, as a means of monitoring some of their nuclear activities, since they are not party to the NPT and are thus not required to comply with IAEA Safeguards.²⁶⁶

Case Study: Iran

Despite the Agency’s best efforts to ensure that all dangerous nuclear material is accounted for, in cases when a country does not implement an AP, or decides to ignore IAEA guidelines, irregularities can occur. In early 2003, the IAEA discovered that Iran had failed in its reporting responsibilities under both its CSA and its AP, which has not been ratified but which Iran had been complying with.²⁶⁷ Iran had not reported various quantities of fissionable material to the Agency, including high and low enriched nuclear material, nuclear material acquired or lost in transfers, and nuclear waste.²⁶⁸ Furthermore, the country failed to report on changes made to existing nuclear facilities, and an unaccounted “pilot enrichment facility” was discovered.²⁶⁹ The IAEA did follow up work, requesting for Iran to grant complementary access to its facilities and asking Iran to rectify its inventory.²⁷⁰ Following this, the IAEA Board of Governors requested a suspension of nuclear activities in Iran until all of the country’s accounts and facilities could be verified.²⁷¹ In 2006, the Board of Governors passed resolution GOV/2006/14, asking Iran to follow up on IAEA instructions in order to restore confidence on its nuclear program.²⁷² The resolution expressed concern over the resumption of nuclear activities despite requests by the IAEA

²⁵⁵ International Atomic Energy Agency, *Overview of Safeguards Requirements for States with Limited Nuclear Material and Activities*, p. 9.

²⁵⁶ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 62.

²⁵⁷ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 62.

²⁵⁸ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 2.

²⁵⁹ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 2.

²⁶⁰ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 3.

²⁶¹ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 3.

²⁶² Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 60.

²⁶³ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 3.

²⁶⁴ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 3.

²⁶⁵ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 3.

²⁶⁶ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 3.

²⁶⁷ International Atomic Energy Agency Board of Governors, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, 2005, p. 2.

²⁶⁸ International Atomic Energy Agency Board of Governors, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, 2005, p. 2.

²⁶⁹ International Atomic Energy Agency Board of Governors, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, 2005, p. 3.

²⁷⁰ International Atomic Energy Agency Board of Governors, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, 2005, pp. 9-10.

²⁷¹ International Atomic Energy Agency Board of Governors, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, 2005, p. 12.

²⁷² International Atomic Energy Agency Board of Governors, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, 2006.

for the opposite.²⁷³ It particularly stressed that, “there is a lack of confidence in Iran’s intentions;” and asked the country “to reconsider its position in relation to confidence-building measures, which are voluntary, and non-legally binding, and to adopt a constructive approach in relation to negotiations.”²⁷⁴ After further unresponsiveness from the Iranian government, the SC issued a presidential statement in the same year, noting its concern over the Board of Governors’ reports, and requesting that Iran follow the instructions outlined in GOV/2006/14.²⁷⁵ On December 23, 2006, acting under Chapter VII of the Charter of the United Nations, the SC adopted resolution 1737, which implemented sanctions against Iran.²⁷⁶ The most recent SC resolution, Resolution 2049, called for an extension of the mandate of the Panel of Experts created under SC Resolution 1929 to oversee the implementation of the Council’s demands.²⁷⁷ In its *Safeguards Statement* of 2011, the IAEA Board of Governors stated that, “the Agency was unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran and, therefore, was unable to conclude that all nuclear material in Iran was in peaceful activities.”²⁷⁸ Furthermore, the report expresses concern over the evidence that Iran might be developing nuclear armament.²⁷⁹ To-date, the situation in Iran is still under consideration of both the IAEA Board of Governors and the SC.²⁸⁰

Safeguards Challenges and Shortcomings

The case of Iran illustrates that the scope of the IAEA’s Safeguards system does not prevent all cases of non-compliance and misuse of material. In the summer of 2012, Trevor Findlay, a senior research fellow at the Center for International Governance Innovation (CIGI) in Canada, submitted a report on the IAEA called *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*.²⁸¹ Findlay’s report explains that, even for an organization as effective as the IAEA, there are difficulties in the implementation of its activities.²⁸² Some of these difficulties are: detection of illicit activities, flexibility, illicit trafficking of nuclear material, and non-compliance.²⁸³

Problems with Detection and Timeliness

If the Iran case is any example, then it is quite clear that the IAEA does not always have the capacity to detect the misuse of nuclear material in a timely manner. In his report, Findlay points out that some countries consider SQP thresholds to be too high, as only half of the minimum amount would be enough to develop a nuclear weapon.²⁸⁴ This means that a country could theoretically develop nuclear weapons while still in compliance with its SQP.²⁸⁵ Another issue of concern relates to material in big processing facilities; where, because of the constant handling of large quantities of fissionable material, there is a risk that some might be lost, stuck inside processing machines or pipes.²⁸⁶ In these cases, inaccuracies in accounting are common, and there is no method for verifying if the material is truly lost.²⁸⁷ Finally, Findlay explains that one of the main challenges for the IAEA is its inability to detect a switch from peaceful to non-peaceful nuclear activities overnight.²⁸⁸ Analogously, in 2001, a report by then-IAEA Director-General Pierre Goldschmidt presented the issue of timeliness in the IAEA’s reports.²⁸⁹ He explained that drawing accurate conclusions about a country with Integrated Safeguards could take 15 months or more.²⁹⁰ Since

²⁷³ International Atomic Energy Agency Board of Governors, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, 2006.

²⁷⁴ International Atomic Energy Agency Board of Governors, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, 2006, p. 3.

²⁷⁵ United Nations Security Council, *Statement by the President of the Security Council*, (S/PRST/2006/15), 2006.

²⁷⁶ United Nations Security Council, *Resolution 1737 (2006)*, 2006.

²⁷⁷ United Nations Security Council, *Resolution 2049 (2012)*, 2012.

²⁷⁸ International Atomic Energy Agency, *Safeguards Statement for 2011*, 2011, p. 7.

²⁷⁹ International Atomic Energy Agency, *Safeguards Statement for 2011*, 2011, p. 7.

²⁸⁰ United Nations Security Council, *Resolution 2049 (2012)*, 2012.

²⁸¹ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012.

²⁸² Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012.

²⁸³ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012.

²⁸⁴ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 70.

²⁸⁵ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 70.

²⁸⁶ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 70.

²⁸⁷ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 70.

²⁸⁸ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 70.

²⁸⁹ Goldschmidt, *Strengthened Safeguards: Meeting Present & Future Challenges*, IAEA Bulletin Vol. 43, No. 4, 2001.

²⁹⁰ Goldschmidt, *Strengthened Safeguards: Meeting Present & Future Challenges*, IAEA Bulletin Vol. 43, No. 4, 2001.

verification activities require extended periods of time, the threat of an untimely detection of illicit activities remains constant.²⁹¹

Issues with Transparency and Confidentiality

Aside from detection, the IAEA has also been criticized by Member States for its lack of disclosure.²⁹² While the IAEA can be commended for its efforts in keeping confidential information safe, some Member States argue that too much “confidentiality” in the Agency’s procedures prevents them from verifying the effectiveness of the safeguards system, and provides less opportunities for input from other countries and civil society.²⁹³ Some argue that more public exposure of a state’s level of compliance with Safeguards would exert more pressure on that country to abide by the Agency’s regulations.²⁹⁴ In a Working Paper for the 2012 Preparatory Committee, the Vienna Group of Ten (Vienna Group), composed by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden, expressed its opinion on the matter.²⁹⁵ The Vienna Group noted that hundreds of kilograms of highly enriched material is used for civilian peaceful purposes and is thus not reported publicly.²⁹⁶ Conversely, the Group of Non-Aligned States in the 2012 NPT Preparatory Committee stated that confidentiality is a crucial aspect of the IAEA’s work and that it must be upheld above all.²⁹⁷

Illicit Trafficking of Nuclear Material

In April 2004, the Security Council adopted Resolution 1540, where it expressed its concern over the illicit trafficking of nuclear material by non-state actors.²⁹⁸ In the resolution, the Council acted under Chapter VII of the Charter and decided that all Member States were to establish export control guidelines, so as to ensure the protection of nuclear material that could be used for the production of a nuclear weapon.²⁹⁹ It also created the 1540 Committee, which now monitors the implementation of the resolution and provides advising and technical support.³⁰⁰ The threat of non-state actors acquiring a nuclear weapon remains real, as evidenced by the ongoing actions and concern of both the SC and the 1540 Committee.³⁰¹ Yet, while export controls seem to be a widely accepted approach, some developing countries are concerned that these measures will limit their access to peaceful nuclear energy.³⁰²

Institutional Changes and Flexibility

In February 2011, Herman Nackaerts, the IAEA’s Deputy Director-General and Head of the Safeguards Department, issued a statement on the future of the IAEA’s verification activities.³⁰³ He explained that, by 2030, the number of nuclear facilities around the world would have increased exponentially, and stresses the need for the Agency to evolve, both technologically and institutionally, to handle this load.³⁰⁴ In a statement made in June of the same year, Nackaerts noted the issue with the traditional application of safeguards.³⁰⁵ He emphasized that while the IAEA has adopted a State-level approach to safeguards, which entails looking at a country as a whole, instead of focusing on

²⁹¹ Goldschmidt, *Strengthened Safeguards: Meeting Present & Future Challenges*, IAEA Bulletin Vol. 43, No. 4, 2001.

²⁹² Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 75.

²⁹³ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 75.

²⁹⁴ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 75.

²⁹⁵ Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Implementing the action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in particular action 61: second International Symposium on the Minimization of Highly Enriched Uranium (NPT/CONF.2015/PC.I/WP.1)*, 2012, p. 2.

²⁹⁶ Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Implementing the action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in particular action 61: second International Symposium on the Minimization of Highly Enriched Uranium (NPT/CONF.2015/PC.I/WP.1)*, 2012, p. 2.

²⁹⁷ Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Safeguards (NPT/CONF.2015/PC.I/WP.26)*, 2012, p. 2.

²⁹⁸ United Nations Security Council, *Resolution 1540 (2004)*, 2004, p. 2.

²⁹⁹ United Nations Security Council, *Resolution 1540 (2004)*, 2004, p. 2.

³⁰⁰ United Nations Security Council, *Committee Established Pursuant to Resolution 1540 (2004)*, 2004.

³⁰¹ United Nations Security Council, *Committee Established Pursuant to Resolution 1540 (2004)*, 2004.

³⁰² Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Chairman’s factual summary (NPT/CONF.2015/PC.I/WP.53)*, 2012, p. 8.

³⁰³ International Atomic Energy Agency, *A Changing Nuclear Landscape: Preparing for Future Verification Challenges*, 2011.

³⁰⁴ International Atomic Energy Agency, *A Changing Nuclear Landscape: Preparing for Future Verification Challenges*, 2011.

³⁰⁵ International Atomic Energy Agency, *The Future of Safeguards: Adapting to change*, 2011.

specific areas and facilities, verification measures are still outdated in their application.³⁰⁶ He criticized the IAEA's tendency to focus on accountancy of nuclear material, and noted the need for flexibility and a global view when detecting illegal uses of nuclear material.³⁰⁷ Looking forward, the IAEA will have to adapt to be able to fulfill its role in this regard.

Non-Compliance and the Loophole in the NPT

Article X of the NPT establishes that any states party to the treaty have the right to withdraw from it with three months notice.³⁰⁸ This occurred when the Democratic People's Republic of Korea announced in 2003 that it was withdrawing from the treaty.³⁰⁹ The question then becomes one of how to ensure effective safeguards when the NPT allows for withdrawal and does not specify if the nuclear material acquired should be returned.³¹⁰ This issue will be one of the topics debated at the 2015 NPT Review Conference.³¹¹ Likewise, the situation in Iran poses the question of what to do when a country is in non-compliance with its safeguards agreements.³¹² Findlay explains that the meaning of non-compliance is not always interpreted the same way, and that it is unclear "whether all breaches of a safeguards agreement...should be declared 'non-compliance'."³¹³ In addition, it is not specified whether refusal to cooperate with the IAEA when there is a suspicion of non-compliance is considered non-compliance as well.³¹⁴

Conclusions: Looking to the Future of the International Safeguards System

Despite the challenges ahead for the IAEA and its safeguards system, this system is of great importance for the conservation of international peace and security. As explained in the IAEA booklet, *Verifying Compliance with Nuclear Non-Proliferation Undertakings*, safeguards are an essential aspect of the global nuclear security framework.³¹⁵ In addition, the booklet explains that safeguards are also important for "regional and national security."³¹⁶ Findlay himself offers a caveat before delivering his criticism, explaining that, for all of the IAEA's work, states' intentions related to the use of nuclear material cannot always be predicted, and that "nuclear safeguards are only as good as the IAEA membership allows them to be."³¹⁷

Looking ahead, in its *Long-Term Strategic Plan 2012-2013*, the IAEA Department of Safeguards has outlined a number of objectives, as well as its plan of action for the improvement of Safeguards provisions.³¹⁸ It has decided to make safeguards "more objectives-based and information-driven," addressing its shortcomings with verification.³¹⁹ In addition, the IAEA acknowledges current advances in nuclear technology, and is preparing to meet new challenges by adapting its safeguards system accordingly.³²⁰ It also discusses the IAEA's involvement in other non-proliferation activities, such as providing technical advice in the negotiation of a *Fissile Material Cut-Off Treaty* (FMCT).³²¹ Finally, the IAEA Department of Safeguards has made a renewed commitment to working effectively with Member States.³²² Taking into account new developments in the world of nuclear activities, delegates should

³⁰⁶ International Atomic Energy Agency, *The Future of Safeguards: Adapting to change*, 2011.

³⁰⁷ International Atomic Energy Agency, *The Future of Safeguards: Adapting to change*, 2011.

³⁰⁸ *Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/140)*, 1970, p. 5.

³⁰⁹ BBC World News, *N Korea withdraws from nuclear pact*, 2003.

³¹⁰ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 66.

³¹¹ Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Chairman's factual summary (NPT/CONF.2015/PC.I/WP.53)*, 2012, p. 14.

³¹² Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. VII.

³¹³ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 78.

³¹⁴ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 78.

³¹⁵ International Atomic Energy Agency, *Verifying Compliance with Nuclear Non-Proliferation Undertakings*, 2011, p. 8.

³¹⁶ International Atomic Energy Agency, *Verifying Compliance with Nuclear Non-Proliferation Undertakings*, 2011, p. 8.

³¹⁷ Findlay, *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*, 2012, p. 66.

³¹⁸ International Atomic Energy Agency Department of Safeguards, *Long-Term Strategic Plan (2012-2023) Summary*, 2012, p. 4.

³¹⁹ International Atomic Energy Agency Department of Safeguards, *Long-Term Strategic Plan (2012-2023) Summary*, 2012, p. 3.

³²⁰ International Atomic Energy Agency Department of Safeguards, *Long-Term Strategic Plan (2012-2023) Summary*, 2012, p. 6.

³²¹ International Atomic Energy Agency Department of Safeguards, *Long-Term Strategic Plan (2012-2023) Summary*, 2012, p. 3.

³²² International Atomic Energy Agency Department of Safeguards, *Long-Term Strategic Plan (2012-2023) Summary*, 2012, p. 6.

ask themselves: how will the activities of the IAEA have to adapt to the new standards of the future? With new countries establishing nuclear facilities, as is the case with Belarus, what can the IAEA do to ensure that all of its nuclear material is effectively safeguarded?³²³ Also, what should the IAEA do to address the concerns of Member States that safeguards are being used to limit the growth and development of peaceful nuclear facilities in non-nuclear weapons states?³²⁴ And how, in turn, should the Agency deal with issues of non-compliance? Finally, how should countries respond to the statement made by the P-5 at the 2010 Nuclear Security Summit in Washington, requesting that the Additional Protocol become compulsory for all States party to the NPT?³²⁵ In light of the IAEA's unique standing as the sole protector of nuclear material in the world, what can Member States do to ensure that the Agency caters to all countries' expectations and needs? Delegates should aim to think about these questions, in order to maintain the Agency's standard of work.

³²³ International Atomic Energy Agency Division of Public Information, *Belarus Making Important Progress on Path to Nuclear Power*, 2012.

³²⁴ Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Safeguards (NPT/CONF.2015/PC.I/WP.26)*, 2012, p. 3.

³²⁵ United States Department of State, *P5 Conference: Implementing the NPT*, 2012.

Annotated Bibliography

Findlay, T. (2012). *Unleashing the Nuclear Watchdog: Strengthening and Reform of the IAEA*. Ontario, Canada: The Centre for International Governance Innovation. Retrieved August 8, 2012 from: http://www.cigionline.org/sites/default/files/IAEA_final_0.pdf.

This report by Trevor Findlay, published the summer of 2012, is a comprehensive review of the entire IAEA structure. In its fifth section, Nuclear Safeguards and Verification, Findlay makes an exhaustive review of the shortcomings in the IAEA Safeguards system, and provides a number of recommendations for the future. Findlay's report includes key definitions, a historical assessment, as well as the positions of relevant countries on the matter of Safeguards Agreements. Finally, Findlay provides a number of sources for further research. This report constitutes the most comprehensive and most recent review of the IAEA's system and its shortcomings, and will serve as a cornerstone for topic research.

International Atomic Energy Agency. (2012, May 25). *Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions in the Islamic Republic of Iran*. Retrieved August 8, 2012 from: <http://www.iaea.org/Publications/Documents/Board/2012/gov2012-23.pdf>

This particular report by the IAEA summarizes the issue with Iran, references Security Council resolutions on the matter, and all relevant IAEA documents. It provides a complete assessment of each violation carried out by Iran, and explains how its nuclear activities can be used for military purposes. This is done in the Possible Military Dimensions section. Finally, the report urges Iran to comply with all IAEA regulations as well as with all Security Council resolutions. Therefore, this report is crucial to understanding the scope of the problem with Iran and the IAEA's position on the matter.

International Atomic Energy Agency. (2011). *Non-Proliferation of Nuclear Weapons & Nuclear Security: Overview of Safeguards Requirements for States with Limited Nuclear Material and Activities*. Vienna, Austria. Retrieved August 8, 2012 from: <http://www.iaea.org/Publications/Booklets/Safeguards3/safeguards0806.pdf>.

This document acts as a guidebook for Member States that may wish to begin or enhance their nuclear programs without violating IAEA safety and security standards. It explains the Small Quantities Protocol, a key document within the international nuclear security regime, as well as the reporting requirements for states. It is a good source of information on how to peacefully develop a nuclear program while complying with international regulations. It will be especially useful for delegates who wish to understand the difference between developing a peaceful and a non-peaceful nuclear program.

International Atomic Energy Agency. (2011). *Safeguards Statement for 2011*. Retrieved September 7, 2012 from: <http://www.iaea.org/OurWork/SV/Safeguards/documents/es2011.pdf>.

A review of the Agency's Safeguards status from the previous year, the Safeguards Statement for 2011 provides a detailed explanation of the current safeguards regime under the IAEA. The document provides a comprehensive list of all states with Comprehensive Safeguards Agreements, Additional Protocols, or Small Quantities Protocols, as well as the status of countries that have yet to ratify any of these. The section on "Areas of Difficulty Regarding Safeguards Implementation" will provide delegates with a current outlook on the IAEA's main concerns and its priorities going forward.

International Atomic Energy Agency Department of Safeguards. *Long-Term Strategic Plan (2012-2023) Summary*. Retrieved August 8, 2012 from: [http://www.iaea.org/OurWork/SV/Safeguards/documents/LongTerm_Strategic_Plan_\(20122023\)-Summary.pdf](http://www.iaea.org/OurWork/SV/Safeguards/documents/LongTerm_Strategic_Plan_(20122023)-Summary.pdf).

Greatly in tune with the topic, this document was created with the vision that the upcoming years will bring further developments in the world of nuclear power, and that the IAEA must be prepared to meet the challenges that this will pose. The document outlines a number of "strategies" to address these challenges, and explains how the Department of Safeguards will use its resources for that purpose. Delegates will find this document useful not only because of its up-to-date information on the IAEA's Safeguards system, but also as a guideline for developing their own solutions in committee.

International Atomic Energy Agency Department of Safeguards. (2011, June 7). *The Future of Safeguards: Adapting to change*. Statement by Deputy Director General and Head of Department of Safeguards. Retrieved

October 1, 2011 from: <http://www.iaea.org/OurWork/SV/Safeguards/DDG-Corner/dg-statements-repository/TheFutureOfSafeguards.html>.

Coming from the head of the Department of Safeguards himself, this provides delegates with one of the most recent and relevant arguments on the IAEA safeguards regime and its limitations. In it delegates will find suggestions for the improvement of the Agency's work, from a source that understands the underlying theory better than any other. The arguments are presented as incentives both for the Agency and Member States, and delegates should keep the recommendations outlined here in mind when drafting resolutions.

N.A. (1970, April 22). *Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/140)*. Retrieved August 8, 2012 from: <http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc140.pdf>.

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is the most important historical document for nuclear safety and security. It outlines States Parties' commitments to the nuclear security regime. The treaty, which is the cornerstone of the Nuclear Security Framework, is reviewed periodically by the NPT Review Conference, and must therefore be very well understood by all delegates attending the conference. Additionally, as the historical basis for the Nuclear Security Framework, it provides a good starting point for research on these topics.

Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. (2012, May 10). *Chairman's factual summary (NPT/CONF.2015/PC.I/WP.53)*. Retrieved October 1, 2012 from: <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom12/documents/WP53.pdf>.

A very comprehensive review of state policy this year, the Chairman's Summary on the working papers presented at the 2012 Preparatory Committee provides delegates with the most complete source of information on current state policy regarding the NPT and nuclear safety. Although the NPT is independent from the IAEA, much of the policy outlined in this summary directly concerns the IAEA's safeguards regime. Delegates should look to this document as a guide on Member States' current priorities regarding nuclear energy.

Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. (2012, March 16). *Export Controls (NPT/CONF.2015/PC.I/WP.7)*. Retrieved October 1, 2012 from: <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom12/documents/WP7.pdf>.

This year's Preparatory Committee for the 2015 NPT Review Conference gathered together Member States with the purpose of discussing the main issues concerning nuclear safety and security. Among these, the topic of export controls was debated. This working paper in particular, presented by the Vienna Group of Ten, outlines the countries' commitments to preventing the illicit trafficking of nuclear material through the establishment of export control standards. In here, delegates can find the general position of Member States with regards to export control, as well as a quick summary of the activities already implemented for this purpose.

United Nations Security Council. (N.D.). *1540 Committee: Committee Established Pursuant to Resolution 1540 (2004)*. Retrieved October 1, 2012 from: <http://www.un.org/en/sc/1540/>.

The 1540 Committee Web site is a helpful resource for delegates who wish to better understand the scope of the issue of nonproliferation with regards to international peace and security. The Committee itself has the tasks of providing technical advising to Member States, as well as ensuring the proper implementation of the operatives of resolution 1540. Notably, it is a source of policy regarding the role of non-state actors in nuclear proliferation. Delegates should explore this Web site to be up-to-date with the Committee's (and the SC's) activities and policy.

United Nations Security Council. (2004, April 28). *Resolution 1504 (2004)*. Retrieved October 1, 2012 from: <http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1504>.

Perhaps the most influential SC resolution regarding nuclear nonproliferation, Resolution 1504 affirms that the proliferation of nuclear weapons constitutes a threat to international peace and security, thus making nonproliferation a major concern of the international community. The resolution gives strict indications to Member States about handling sensitive material, and establishes the 1540 committee to ensure the review and implementation of the resolution.

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Rules of Procedure

International Atomic Energy Agency General Conference

Introduction

1. These rules shall be the only rules which apply to the International Atomic Energy Agency (hereinafter referred to as “the Agency”)’s General Conference (hereinafter referred to as “the Conference” and shall be considered adopted by the Agency prior to its first meeting.
2. For purposes of these rules, the Plenary Director, the Assistant Director(s), the Under-Secretaries-General, and the Assistant Secretaries-General, are designates and agents of the Secretary-General and Director-General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Director-General or her or his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson or acting chairperson of the Agency, which can be any Member of the Secretariat or their designate.

I. SESSIONS

Rule 1 - Dates of convening and adjournment

The Agency’s Conference shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

Rule 2 - Place of sessions

The Conference shall meet at a location designated by the Secretary-General.

II. AGENDA

Rule 3 - Provisional agenda

The provisional agenda shall be drawn up by the Director-General and communicated to the Members of the Agency at least sixty days before the opening of the session.

Rule 4 - Adoption of the agenda

The agenda of the General Conference, provided by the Secretary-General, shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting. Items on the agenda of the General Conference may be amended or deleted by the Conference by a two-thirds majority of the members present and voting.

The vote described in this rule is a procedural vote and, as such, observers are permitted to cast a vote. For purposes of this rule, those present and voting means those Member States and observers, in attendance at the meeting during which this motion comes to a vote. Should the Conference not reach a decision by conclusion of the first night’s meeting, the agenda will be automatically set in the order in which it was first communicated.

Rule 5 - Revision of the agenda

During a session, the Conference may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during a session. Debate on the inclusion of an item in the agenda shall be limited to three speakers in favor of, and three against, the inclusion. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Conference so decides by a two-thirds majority of the members present and voting. No additional item may, unless the Conference decides otherwise by a two-thirds majority of the members present and voting, be considered until a commission has reported on the question concerned.

For purposes of this rule, the determination of an item of an important and urgent character is subject to the discretion of the Director-General, or his or her designate, and any such determination is final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Conference to be placed on the

agenda. The votes described in this rule are substantive votes, and, as such, observers are not permitted to cast a vote. For purposes of this rule, —the members present and voting — means members (not including observers) in attendance at the session during which this motion comes to vote.

Rule 6 - Explanatory memorandum

Each item proposed for inclusion in the agenda, except an item proposed by the Board of Governors, shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

III. SECRETARIAT

For the purpose of these rules, the NMUN Secretariat also acts as the Secretariat for the Agency.

Rule 7 - Duties of the Secretary-General

1. The Secretary-General or her/his designate shall act in this capacity in all meetings of the Agency.
2. The Secretary-General, in cooperation with the Director-General, shall provide and direct the staff required by the Agency and be responsible for all the arrangements that may be necessary for its meetings.

Rule 8 - Duties of the Secretariat

The Secretariat shall receive, print, and distribute documents, reports, and resolutions of the Conference, and shall distribute documents of the Agency to the Members, and generally perform all other work which the Agency may require.

Rule 9 - Statements by the Secretariat

The Secretary-General, or her/his representative, may make oral as well as written statements to the Conference concerning any question under consideration.

Rule 10 - Selection of the President

The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, chair the Conference for the duration of the session, unless otherwise decided by the Secretary-General.

Rule 11 - Replacement of the President

If the President is unable to perform her/his functions, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General.

IV. LANGUAGE

Rule 12 - Official and working language

English shall be the official and working language of the Agency.

Rule 13 - Interpretation (oral) or translation (written)

Any representative wishing to address any body or submit a document in a language other than English shall provide interpretation or translation into English.

This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit.

V. CONDUCT OF BUSINESS AT PLENARY MEETINGS OF THE GENERAL CONFERENCE

Rule 14 - General powers of the President

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Conference, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules,

shall have complete control of the proceedings of the Conference and over the maintenance of order at its meetings. He or she shall rule on points of order. He or she may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

Included in these enumerated powers is the President's power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference and is limited to entertaining motions.

Rule 15 – Authority of the Agency

The President, in the exercise of her or his functions, remains under the authority of the Agency.

Rule 16 – Quorum

The President may declare a meeting open and permit debate to proceed when representatives of at least one third of the members of the Agency are present. The presence of representatives of a majority of the members of the Conference shall be required for any decision to be taken.

For purposes of this rule, members of the Agency means the total number of members (not including observers) in attendance at the first night's meeting.

Rule 17 – Voting rights on procedural matters

Unless otherwise stated, all votes pertaining to the conduct of business shall require a majority of the members present and voting in order to pass.

For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this rule is applied. Note that observers may vote on all procedural votes; they may, however, not vote on substantive matters (see Chapter VI). There is no possibility to abstain on procedural votes.

Rule 18 - Points of order

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the members present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Such points of order should not under any circumstances interrupt the speech of a fellow representative. They should be used exclusively to correct an error in procedure. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte, during the speech. For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this motion comes to vote.

Rule 19 - Speeches

No representative may address the Conference without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, the Secretariat will set a time limit for all speeches which may be amended by the President at his/her discretion. Consequently, motions to alter the speaker's time will not be entertained by the President.

Rule 20 - Closing of list of speakers

Members may only be on the list of speakers once but may be added again after having spoken. During the course of

a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Conference.

The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Conference. A motion to close the speakers list is within the purview of the Conference and the President should not act on her/his own motion.

Rule 21 - Right of reply

If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

For purposes of this rule, a remark that impugns the integrity of a representative's State is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Conference by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose.

Rule 22 - Suspension of the meeting

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass.

Rule 23 - Adjournment of the meeting

During the discussion of any matter, a representative may move to the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Conference shall reconvene at its next regularly scheduled meeting time.

As this motion, if successful, would end the meeting until the Conference's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Conference.

Rule 24 - Adjournment of debate

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. Two representatives may speak in favor of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Rule 25 - Closure of debate

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Conference favors the closure of debate, the Conference shall immediately move to vote on all proposals introduced under that agenda item.

Rule 26 - Order of motions

Subject to rule 18, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- a) To suspend the meeting;
- b) To adjourn the meeting;
- c) To adjourn the debate on the item under discussion;
- d) To close the debate on the item under discussion.

Rule 27 - Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretariat. Any proposal or amendment that relates to the substance of any matter under discussion shall require the signature of twenty percent of the members of the Agency [sponsors]. The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Conference unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated. If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Conference for all purposes, including subsequent amendments.

For purposes of this rule, all proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Conference by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution during formal speeches. After approval of a working paper, the proposal becomes a draft resolution and will be copied by the Secretariat for distribution to the Conference. These draft resolutions are the collective property of the Conference and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form.

Rule 28 - Withdrawal of motions

A motion may be withdrawn by its proposer at any time before voting has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any member.

Rule 29 - Reconsideration of a topic

When a topic has been adjourned, it may not be reconsidered at the same session unless the Conference, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

VI. VOTING

Rule 30 - Voting rights

Each member of the Agency shall have one vote in the Conference.

This rule applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to member(s) do not include observers, who are not permitted to cast votes on substantive matters.

Rule 31 - Request for a vote

A proposal or motion before the Conference for decision shall be voted upon if any member so requests. Where no member requests a vote, the Conference may adopt proposals or motions without a vote.

For purposes of this rule, proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote.

Rule 32 - Majority required

1. Unless specified otherwise in these rules, decisions of the Conference shall be made by a majority of the members present and voting.
2. The following decisions of the Conference shall require a two-thirds majority of the Members present

and voting:

- (a) A decision on any financial question;
 - (b) A decision on a proposal for amendment to the Statute;
 - (c) A decision, upon recommendation of the Board of Governors, to suspend any Member from the exercise of the privileges and rights of membership;
3. For the purpose of tabulation, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

All members declaring their representative States as “present and voting” during the attendance roll call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain on substantive votes.

Rule 33 - Method of voting

1. Except in elections to the Board of Governors, the Conference shall normally vote by a show of placards, except that a representative may request a roll call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each member shall be called in any roll call, and one of its representatives shall reply “yes,” “no,” “abstention,” or “pass.”

Only those members who designate themselves as present or present and voting during the attendance roll call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying pass must, on the second time through, respond with either a yes or no vote. A pass cannot be followed by a second pass for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.

2. When the Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Conference shall dispense with the procedure of calling out the names of the members.
3. The vote of each member participating in a roll call or a recorded vote shall be inserted in the record.

Rule 34 - Explanations of vote

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends.

Rule 35 - Conduct during voting

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connection with the actual process of voting.

For purposes of this rule, there shall be no communication amongst delegates, and if any delegate leaves the Conference room during voting procedure, they will not be allowed back into the room until the Conference has convened voting procedure.

Rule 36 - Division of proposals and amendments

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment

which are approved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

For purposes of this rule, most radical division means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is most radical is subject to the discretion of the Secretariat, and any such determination is final.

Rule 37 - Amendments

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal.

An amendment can add, amend, or delete operative clauses, but cannot in any manner add, amend, delete, or otherwise affect preambulatory clauses.

Rule 38 - Voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

For purposes of this rule, furthest removed in substance means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.

Rule 39 - Order of voting on proposals

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted.

Rule 40 - The President shall not vote

The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

VII. CREDENTIALS

Rule 41 - Credentials

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General prior to the opening of a session.

Rule 42 - Authority of the Secretary-General

The credentials of all delegates shall be examined by the Secretary-General. The General Conference shall be bound by all action taken on credentials prior to its meeting.

VII. PARTICIPATION OF NON-MEMBERS OF THE CONFERENCE

Rule 43 - Participation of non-Member States

The Conference shall invite any Member of the International Atomic Energy Agency that is not a member of the Agency and any other State, to participate in its deliberations on any matter of particular concern to that State. A sub-committee or sessional body of the Conference shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

If the Conference considers that the presence of a Member invited according to this rule is no longer necessary, it may withdraw the invitation. Delegates invited to the Conference according to this rule should also keep in mind their role and obligations in the Conference that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Conference is no longer required.

Rule 45 - Participation of national liberation movements

The Conference may invite any national liberation movement recognized by the Agency to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

Rule 46 - Participation of and consultation with the United Nations and specialized agencies

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies may be invited by the Agency: a) To be represented at meetings of the Conference and its subsidiary organs; b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Conference or of the subsidiary organ concerned.

Rule 47 - Participation of non-governmental organization and intergovernmental organizations

Representatives of non-governmental organizations/intergovernmental organizations accorded consultative observer status with the Agency may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Conference on questions within the scope of the activities of the organizations.