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# SC

## Security Council

### Expert report

Non-proliferation and  
the Democratic People's  
Republic of Korea

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## Introduction

Due to globalization and complexity of international affairs that reconfigure the power dynamics between different actors, the world politics order has acquired some distinctive features. Advancement of national interests and attempts to form and sustain an international society force the states to adhere to the basic rules of coexistence and take into account the principals of sovereignty and forms of international law.

In this context, nuclear power continues to be a cornerstone element in the modern realm of diplomacy of the XXI century. At the present stage of development, the international community is conscious of the need to control the elaboration, proliferation and evolvement of nuclear weapons. In the frames of current international legal regime, it has been possible to slow down and limit the spread of nuclear weapons around the world. However, non-proliferation issue remains at the forefront of the world community.

Illegal nuclear program development controverts the principles of law and existing political order, curtails the enjoyment of human rights and obstructs the recognition of peaceful values. Only the sustainment of non-proliferation regime and provident peaceful uses of atomic energy could help humanity to forget the disastrous consequences of Hiroshima and Nagasaki atomic bombings (1945), Chernobyl disaster (1986) and Fukusima-1 accident (2011) and uphold human dignity.

Nevertheless, the world always moves ahead and some countries such as India, Pakistan and Israel have considerably developed their nuclear energy facilities that enable them to get desired outcomes and pursue their goals. Nuclear power aspect of international relations has become a foreign policy tool of power-play as it poses an explicit threat of a new conflict. It is understood that the balance of power among a wide range of sociopolitical actors has completely changed.

The Democratic People's Republic of Korea (the DPRK) as the totalitarian socialist state and the most closed-off country in the world has been facing a social and economic setback and military instability since its early days. Consequently, poverty, violation of human rights, tight control, and energy shortages are the results of self-isolation, which were caused by a lack of interaction between North Korea and other states. In particular, the discrepancy between weak economic climate and possible nuclear tests led to the fact that the DPRK violated international security and repeatedly ignored the UN Security Council resolutions.

As of today, there is no denying, that North Korea is drawing more and more attention to its policy and nuclear weapon tests. Nowadays, there is an explicit threat to peace not only in Eastern Asia, but also in the whole world. That is why the UN Security Council is conferred with a mission to prevent aggression and exercise its primary responsibility.

## Relevance of the issue of the non-proliferation regime. Nuclear security architecture in the present-day world

The term «nuclear security» is defined as «the prevention and detection of, and response to, theft, sabotage, unauthorized access, illegal transfer or other malicious acts involving nuclear material, other radioactive substances or their associated facilities».<sup>1</sup>

Taking into account the sources of international law such as the International Atomic Energy Agency Statute 1956, the Partial Test-Ban-Treaty (PTBT) 1963, the Non-Proliferation Treaty (NPT) 1968, the Convention on the Physical Protection of Nuclear Material 1980, the Convention on the Early Notification of an Accident 1986, the Comprehensive Nuclear-Test-Ban Treaty (CTBT) 1996, the fundamentals of nuclear security are:

1. Consideration of a range of options, including detection systems and measures, technologies and non-technological solutions that could potentially reduce or eliminate the vulnerabilities;<sup>2</sup>
2. Prevention of the use of world's accumulated nuclear weapons;
3. Ensuring the safe use of military nuclear material released from dismantled nuclear weapons under the disarmament;

<sup>1</sup> [http://www-pub.iaea.org/MTCD/publications/PDF/Pub1290\\_web.pdf](http://www-pub.iaea.org/MTCD/publications/PDF/Pub1290_web.pdf) p133

<sup>2</sup> Nuclear Security Systems and Measures for the Detection of Nuclear and Other Radioactive Material out of Regulatory Control. IAEA , 2007 p16

4. Guard against accidental or unauthorized use of nuclear weapons;
5. Secure access to the benefits of civilian nuclear programs.

Furthermore, nuclear programs can be divided into two groups: civil nuclear programs that imply peaceful use of the atom and programs with the presence/testing of nuclear weapons.

It is understood that only member-states, which manufactured and exploded a nuclear weapon or device prior to 1 January 1967, can enjoy nuclear weapons and guarantee its proliferation control. All other states are non-nuclear-weapon states (NNWS) under the NPT Treaty.

Since 1945, the NWS have conducted 2054 nuclear tests in total, carried out for peaceful purposes.<sup>3</sup> Through the history, nuclear security has never lost its relevance. Nowadays nuclear weapons act to ensure the superiority of the «nuclear club» countries and to restrain others. On the contrary, nuclear energy itself is a weapon and at the same time, a threat that can entail disastrous consequences. The system of strategic stability, inherited from bipolar political confrontation, has three levels:

1. The first level – mutual nuclear deterrence of the Russian Federation and the United States, which still have thousands of strategic and tactical nuclear warheads;

<sup>3</sup> Fedchenko, V. and Ferm Hellgren, R., 'Nuclear explosions, 1945–2006', SIPRI Yearbook 2007: Armaments, Disarmament and International Security (Oxford University Press : Oxford, 2007)

2. The second level – independent nuclear states: China, The United Kingdom and France (400-500 warheads);
3. The third level – the states in no possession of nuclear weapons.

## Cornerstone role of the Treaty on the Non-Proliferation of Nuclear Weapons

The nuclear device first tested in New Mexico, the United States in the summer of 1945 showed the world a new type of weapons of mass destruction. The international community has struggled for over 65 years with a basic dilemma of how to restrain the atom's destructive effects and promote development of its peaceful use.

After the Second World War two superpowers, the USSR and the United States, launched a new round of negotiations aimed at reversing and curbing further nuclear proliferation. During those discussions both states had some disputes that they were unable to resolve.

The «Atoms for peace» speech delivered by Dwight Eisenhower to the UN General Assembly addressed the initiative to create the International Atomic Energy Agency (IAEA) and its safeguards in 1953. However, the spread of nuclear technology and nuclear test explosions in the 1960s heightened the concerns of security.

The initial results were reached in 1961 as Ireland called on the international community to achieve an agreement

that would ban further acquisition and transfer of nuclear weapons. The resolution A/RES/2028 of the UN General Assembly proposed the fundamental principles on which the Treaty should be based. «Acceptable balance of mutual responsibilities and obligations of the nuclear and non-nuclear powers»<sup>4</sup> could help to avoid any loopholes of the non-proliferation regime.

The Treaty on the Non-Proliferation of Nuclear Weapons that granted international stability was opened for signature in 1968 and came into effect in 1970. Support of this landmark Treaty has grown to nearly 190 parties over 49 years, making the non-proliferation in the focus of attention. The NPT enhanced international security and ensured regional stability. Implementation of legal restrictions and the mechanism of sanctions as well as control over nuclear technologies export and aid in international cooperation within the supranational institutes are the cornerstone elements to prevention of proliferation.

Indefinitely extended on 11 May 1995, the Treaty also served to uphold the consolidation of the «nuclear club» status-quo in the field of security. Its objectives are also to promote the cooperation in peaceful uses of nuclear energy and to pursue the goal of complete nuclear disarmament.

Despite some unsolved issues, the superpowers perceived that the

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<sup>4</sup> <http://www.un.org/documents/ga/res/20/ares20.htm>

proliferation and multilateralization of nuclear weapons could undermine the strategic environment and the complexity of interaction between states. The global expansion of nuclear power will not serve the interests of the international community and will spawn collective interests that will put the security concept at great hazard.

The entry of «new nuclear states» would create a conflict of interests with five permanent Security Council members. The Treaty recognizes the vital importance of the non-proliferation regime according to which only five states that can be defined as nuclear-weapon states: the United States, the Russian Federation, the United Kingdom, France and China.

Further development and scientific research in such countries as India, Pakistan, Israel and the Republic of South Africa made it indispensable to elaborate and sign a new Treaty that could outlaw the transmission of information for manufacturing of any nuclear device. They are still viewed as very ambitious regarding the possession and testing of their nuclear weapons.

The NPT based on three central interrelated pillars according to its main goals: non-proliferation regime, peaceful nuclear energy and disarmament.

### **Non-proliferation regime**

The first three articles include the obligations of the NWS and the NNWS to the Treaty as well as the fundamental safeguards agreement. The central

bargain of the NPT based on the principals of mutual cordiality between non-nuclear-weapon states (NNWS) and their agreement on relinquishing the acquisition or seeking for the assistance for nuclear weapons manufacturing. In return, each nuclear-weapon state (NWS) undertakes to share peaceful nuclear technologies and to pursue ultimate nuclear weapons elimination policy. The third article stands for the clear mechanisms among parties to the Treaty by which the NNWS prove their adherence to their civil use undertaking from the embarking of new nuclear strategies.

The International Atomic Energy Agency (IAEA) plays a great role within institutional frameworks in maintaining the non-proliferation regime in a wide network of bilateral and multilateral nuclear cooperation agreements, verifying compliance with the obligations of international export system and promoting secure «Atoms for Peace» use of nuclear technologies worldwide.

The IAEA Safeguards Agreement INFCIRC/403 (1992) and the Additional Protocol INFCIRC/540 (1997) were designed to strengthen the mechanism of Agency's inspections.

The UN Security Council have made the indispensable contribution to the non-proliferation regime strengthening by its resolutions: S/RES/1540 (2004), S/RES/1673(2006), S/RES/1887(2009), and S/RES/1977(2011). The main effective solutions that are devoted to the maintenance of the international stability are the following:

- resolving to seek a safer world for all and to create the conditions for a world without nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);
- establishing prevention of the proliferation of nuclear, chemical, or biological weapons and their means of delivery in accordance with effective universal regulation;
- calling upon all States to refrain from conducting a nuclear test explosion;
- stressing the importance for all Member States to ensure that the IAEA continue to have all the necessary resources and authority to verify the declared use of nuclear materials;
- requesting the 1540 Committee, with the support of the group of experts, to identify effective practices and guidance for the further development;

Moreover, associated resolutions extend and establish appropriate domestic control, enhance and encourage cooperation on such efforts, develop and enforce legal regulatory measures against proliferation of weapons of mass destruction and their means of delivery.

### Peaceful nuclear energy

The Article IV of the NPT acknowledges all parties have the right to develop their

nuclear energy program, *inter alia*<sup>5</sup>, in a peaceful way and for friendly purposes. Encouraging the international cooperation in this area, it also reminds the states to conform to their non-proliferation obligations according to the first part of the Treaty.

Due to the limits of economic capacity and industrialization, overwhelming majority of countries cannot abandon the use of civil nuclear energy. The development of peaceful nuclear energy programs and transfer of nuclear materials can be possible only as long as the programs of the NNWS are peaceful, the states comply with their obligations, and they [programs] are not being used for manufacturing of the nuclear weapons

Over 40 years since the NPT came into force, more than 45 countries currently enjoy the opportunity to use civil nuclear programs and nuclear power reactors supply nearly 18% of the world electricity.<sup>6</sup> This sustained growth in peaceful uses of nuclear energy has its civil applications in medicine researches, food security and environmental degradation prevention – all effects improve the lives of people around the globe.

### Disarmament

The Article VI of the NPT pledges all

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5 Lat. «Among other things» This phrase is often found in legal pleadings and writings to specify one example out of many possibilities.

6 <http://www.world-nuclear.org/information-library/facts-and-figures/world-nuclear-power-reactors-and-uranium-requireme.aspx>

parties to pursue good-faith negotiations and design measures that relate to effective cessation of nuclear arms race and further general and complete disarmament. Only with the facilitating cooperation on peaceful security issue, the non-proliferation regime provides the essential foundation for the progress and the key factor to its strength.

Conferences that occur every 5 years convene all parties that analyze the fulfillment of the Treaty and reiterate their commitment to the nuclear weapons elimination.

The First Committee of the UN General Assembly deals with the global challenges and threats to the peace and security, including disarmament. It is vested with a huge authority to govern within the scope of the UN Charter, disarmament principals and general cooperation aimed at the strengthening of stability.

According to the very first resolution of the Committee A/RES/1(I), the establishment of such commission stemmed from the necessity to deal with the problems raised by the discovery of atomic energy.

The United Nations Disarmament Commission (UNDC) since its creation has dealt with various nuclear and conventional disarmament issues as well as followed up to make special recommendations on current situation.

The United Nations Office for Disarmament Affairs (UNODA) that takes its history in 1982 upon the UN General

Assembly initiative, serves as the field for substantive and intergovernmental support, fosters the interstate dialogue and provides impartial and transparency reports on up-to-date issues.

## Security

The security issue always has been on the agenda. The NPT as a global barrier and the unique internationally binding agreement prevents the spread of the nuclear weapons. The bulwark against proliferation enhances not only individual security of every state but also embodies essential elements of vigilant global stability.

Opened for signature, the NPT provide the frameworks and clear decisions for countries to cease serious consideration of nuclear weapons programs. South Africa gave up its strategic nuclear program and became a NNWS in 1991. After the USSR collapse, Russia as an exclusive legal successor of all rights and obligations was the state to whom several states voluntarily transferred all their nuclear weapons.

Encouraging the striving to cooperation and disarmament effort, the international community in concluding a chain of conventions and special protocols on five nuclear-weapon-free zones determined according to the Article VII to the NPT:

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. (Treaty of Tlatelolco 1967);
- South Pacific Nuclear Free zone Treaty (Rharotona Treaty 1985);
- Southeast Asian Nuclear Weapon Free



Zone Treaty (Bangkok Treaty 1995);

- African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba 1996);
- Central Asian Nuclear Weapon Free Zone Treaty (Treaty of Semey 2006).

According to the mentioned above, The Antarctic Treaty 1959, The Outer Space Treaty 1967 and The Convention relating to civil liability in the field of maritime carriage of nuclear material 1971 also create nuclear-free zones.

The UN General Assembly A/RES/3472 resolution defines the Nuclear Weapon Free Zone (NWFZ) as the territory of total absence of nuclear weapons and clear international system of verification and control to guarantee compliance with the obligations.

The Treaties cover the territory of Southern Hemisphere as well as some regions in the northern part of the world. The ban of

deployment, manufacturing, transporting and testing is an effective mechanism of strengthening nonproliferation standards worldwide and regional nuclear-free security promotion.

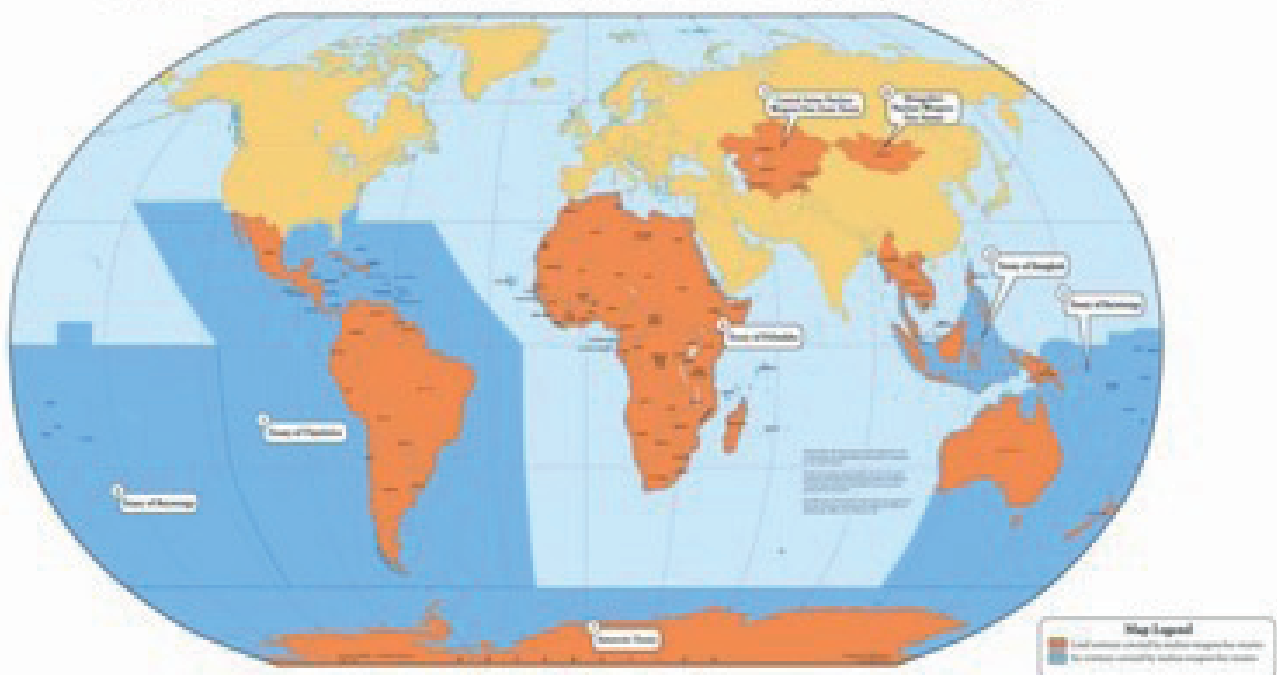
Climate change makes the Arctic region more vulnerable and may lead to increased competition for its resources and militarization. The disputes between states suspend the creation of a new NWFZ<sup>7</sup>, similar to the one that has already existed in the Antarctic.

### Challenges

The challenges of the 21st century such as energy security, promotion of sustainable development, cyber security, and climate change have sparked the interest to nuclear power. The non-proliferation regime is well elaborated and maintained by the global community

## NUCLEAR-WEAPON-FREE AREAS

*Demarcation of nuclear-weapon free zones, nuclear-weapon free status and nuclear-weapon free geographical regions*



TREATIES ESTABLISHING NUCLEAR-WEAPON-FREE AREAS

but it has confronted and still faces some difficulties that cannot make it static. Only three states have never adhered to the NPT – India, Israel and Pakistan.

North Korea announced its withdrawal and still threatens the whole world by its noncompliance with the NPT obligations and new nuclear tests conduction. However, that state strongly violates the Treaty safeguards by abusing them. It is clear that the state, which harms regional balance and political order in general, would remain responsible under international law. It may also trigger the concerns regarding the use of nuclear material and equipment that have been shipped in while the state was an NPT party.

## **Nuclear issue of North Korea. Historical background**

Since its inception, North Korea has been unique among other states. The system of the country that might seem strange to outsiders makes a lot of sense to Koreans because it fits in well with their traditional worldview, with the history that they come out of, with the notions of social hierarchy and reinforced cultural identity, reverence for the leader.

To understand how communism regime has succeeded and the leaders turned the country into the most isolated state in the world that continues to endanger the security by its nuclear capability, it is necessary to take a brief look into the history of this determined nation.

For thirteen hundred years, Korea was a

thriving and highly advanced civilization living in peace as an independent and unified nation. A unique position in the geography of the region made Korea an attempting target. In the beginning of the 20th century, Japan invaded the peninsula with the intention to conquer the mainland. Instead, it took Korea and held the country as a colony for 35 years.

Japan, an offender-state during the World War II, was no longer one of the main world powers, and people finally enjoyed the taste of freedom. They called for the independency and once again expected to become peaceful and united nation.

At the same time the confrontation between superpowers, the USSR and the USA, led to the division of the world spheres of influence in terms of the new post-war political order that caused a lot of competitiveness and tension. Two different ideologies and points of view to the future world structure clearly appeared on the world stage. The USSR stood for the communism-way development; on the contrary, the United States interpreted their course in accordance with freedom and democracy values. The frames of bipolarity set the tone for the Cold War period that resulted in so-called «proxy wars strategy» in the territory of the third country. The Korean peninsula was not an exception.

## **Aftermath of the Korean War (1950-1953)**

The Korean War was the first armed conflict in the history which could escalate into a nuclear conflict. However,

the Korean Armistice Agreement<sup>8</sup> that was signed on 27 July 1953, temporary in nature, was designed to reach the complete ceasefire and to maintain the harmony between involved parties until the formal peace treaty could be made. Although, it did not bring the long-awaited peace.

Two belligerent Korean states still continue to distrust each other, declaring the territory of the whole peninsula its own territorial integrity. The nature of the strategic interaction between North Korea and other countries remains hostile and gives an impetus to permanent instability in East Asia. The demarcation line along the 38th parallel and the demilitarized zone (DMZ) cemented the buffer strip between two states, remains the hotbed of tension so far. Pursuing the rhetoric of hatred, the Korean unification and rapprochement issue continues to be on the frontline and has become almost impossible.

Beyond doubt, the fight for fragile peace and the right to develop new society forced the DPRK and the Republic of Korea to pay a dear price. The effects of the war on society varied and led to economic devastation, numerous destructions and mutual migration.

The return of the US armed forces on the territories of the Republic of Korea according to Defense Treaty between two countries, that was enabled and approved in 1953, contradicted with the Article 4 of the Armistice Agreement on

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8 <https://www.ourdocuments.gov/doc.php?fla sh=true&doc=85&page=transcript>

military force inhibition and foreign troops withdrawal from the peninsula.

On the one hand, the presence was aimed to protect the Republic of Korea from «aggression from the North» and served as a peace guarantor. On the other hand, the Americanization process, that was negatively perceived by the indigenous people, has begun. Over time, this fact is still the cornerstone obstacle that prevents the inter-Korean dialogue.

South Korea has become virtually an island nation, separated from the outside world in the west, south and east by seas, and from the north by a tightly closed demarcation line. To maintain the order and economic recovery in the devastated country Syngman Rhee strengthened his personal power that was perceived as a dictatorship.

North Korea was in a unique geopolitical position surrounded by three strongest powers in the world: from the south - the United States that monitored the South Korean defense system, from the north - China and the Soviet Union. North Korea was obliged to make allocations for the development of its armed forces to guarantee confidence and survivability.

Facing a number of restrictions after the war, which were aimed at reducing access to the markets, international financial institutions, technology advancement, North Korea, despite years of international condemnation and pressure, has adapted to those conditions and has succeeded in developing a small nuclear

arsenal of weapons<sup>9</sup>. Due to the lack of transparency and official information, it is difficult challenge to quantify the warhead stockpiles and the design of the weapons. Some experts assess that North Korea has not demonstrated the full range of its capabilities yet.

### **Roots of North Korean nuclear program**

The issue of North Korean nuclear program has its roots in the early 1950s and continues in the 1990s. The end of the Cold War, which broke off the confrontation between two different ideologies, in the context of the Soviet Union collapse, gave an impulse to some concerns about the formerly possessing nuclear-weapon states. Actually, the evolved situation on the Korean Peninsula and the military activity of North Korea as well as its proliferation of missile technologies abroad, has presented one of the most vexing and persistent issues occupying the past four decades.

Yet in the whole, North Korea conducted five tests, the most recent of which was in September 2016. The answers to the questions “how far advanced are the nuclear facilities of the country” and “what capabilities were achieved in this field” are still uncertain.

In 1956, the Soviet Union began to train North Korean scientists and engineers providing them with basic knowledge which resulted in a program being

initiated as a part of peaceful nuclear energy development. The reactor IRT-2000 was completed a couple years ago after signing the cooperation agreement between the USSR and the DPRK.

Joining a membership in the IAEA in 1974 and signing its safeguards in 1977, the DPRK agreed with the non-proliferation regime. Successively having acceded to the NPT as a NNWS on 12 December 1985, North Korea undertook all obligations to the Treaty. It is believed that this huge stride toward disarmament was made in exchange for peaceful nuclear technology support from the USA and China. Indeed, the Nuclear Scientific Research Centre and Radiochemical laboratory enabled North Korea to start-up the uranium mining operations and reprocessing plant at Yongbyon regardless consequences. The 5 MWe gas-graphite experimental nuclear reactor, that began its operation in 1986, served as the centerpiece of plutonium production efforts. It had the capability to produce about 6 kilograms of plutonium per year.

Nevertheless, sporadically lasting inter-Korean dialog that was based on «principals for unification of the fatherland» took place in the early 1990s. The end of the Cold War and reunification of Germany urged Korean states to resume the negotiations and to end up with the period of estrangement and border clashes. Two historic agreements on Reconciliation, Nonaggression, and Exchanges and Cooperation between the South and the North as well as the Joint Declaration of Denuclearization of the Korean Peninsula were signed during the

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<sup>9</sup> [https://www.nti.org/media/pdfs/military\\_fissile\\_material\\_stockpile\\_2015.pdf](https://www.nti.org/media/pdfs/military_fissile_material_stockpile_2015.pdf)

high-level premier-ministers' meetings in 1991 and 1992, respectively. Despite the great promise, the dialogue did not last long.

### **«Nuclear crisis» 1992-1994**

After agreeing to the IAEA safeguards, the DPRK continued to violate the non-proliferation norms. With satellite photos, the USA detected that a new reactor was being constructed, and it was not under international control. Moreover, the Atomic Agency inspections disclosed two nuclear announced depots, while visiting the main reactor and radiochemical laboratory, which was temporarily under construction. North Korean government rejected all subsequent inspections and announced the withdrawal from the NPT in reference of defending the supreme national interests, its sovereignty violation and stifling of the socialism.

The UN Security Council proclaimed North Korea deviation from commitments on S/RES/825 resolution. The Clinton administration was going to deliver the ultimate means – preemptive military strike, when the leader of North Korea, Kim Il Sung was ready to threaten in response, jeopardizing the other countries in the region – Japan and South Korea.

The tension was diffused by the UN Security Council sanctions and correct diplomatic mission of the involved states. During the first year of Kim Jong-Il rule, the conflict was settled down by the signing of the «Agreed Framework» in 1994. In accordance with the agreement,

North Korea froze and dismantled its plutonium production program under the IAEA monitoring in exchange for two light water reactors (LWR).

### **Second «Nuclear crisis» 1998-2006. The first nuclear test**

Beset by problems from the start, the parties to the Agreement faced further difficulties. The IAEA Chairman, Hans Blix, was deeply concerned the amount of plutonium the DPRK possesses. Without North Korean report on current nuclear program development, the Agency had no other mechanism to control non-proliferation of the Korean peninsula. Those concerns were partially backed by the repeated launches of man-made satellites by the intermediate-range ballistic missile carrier rocket «Thephodong-1»

In this regard, forthcoming US reaction was negative. North Korea was declared as a part of the «axis of evil» comparable to Iran and Iraq that caused bilateral security concerns and the «Agreed Framework» breakup. Touching upon the fact that Youngbyon facility was restarted, which, however, was working sporadically due to cooling problems and aging infrastructure, the world balanced on the brink of a new conflict on the Korean Peninsula. Furthermore, North Korea rejected the agreements with South Korea and announced its withdrawal from the NPT for the second time since 1993. North Korea was pursuing uranium enrichment and plutonium reprocessing technologies in the frames of its clandestine program.<sup>10</sup>

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10 <https://fas.org/sgp/crs/nuke/R41259.pdf>

On 6 January 2003 the IAEA Board of Governors adopted the strong resolution<sup>11</sup> on the DPRK calling the state to cooperate «urgently and fully with the Agency». The further escalation could trigger a crackdown to the DPRK.

The settlement of the crisis was found in multiple rounds of six-party talks in «5+1» format that were carried out from 2003 to 2008, are included the representatives of the Russian Federation, the USA, China, Japan, South Korea and North Korea. The following issues were on the agenda:

- Korean peninsula security guarantees;
- Verifiable denuclearization and disarmament;

The light-water reactors (LWR) construction;

- Peaceful uses of nuclear energy;
- Re-establishment of diplomatic relations.<sup>12</sup>

The sanctions and rhetoric that followed mentioned events did not help to resolve the fundamental issue of nuclear disarmament.

Compromise Security Council resolution S/RES/1695 (2006) adopted in Jul 2006 by veto-wielding states in response to the «Thaephodong-2» ICBM<sup>13</sup> launch, condemned such tests and banned all states from selling or giving the technologies needed to produce weapons

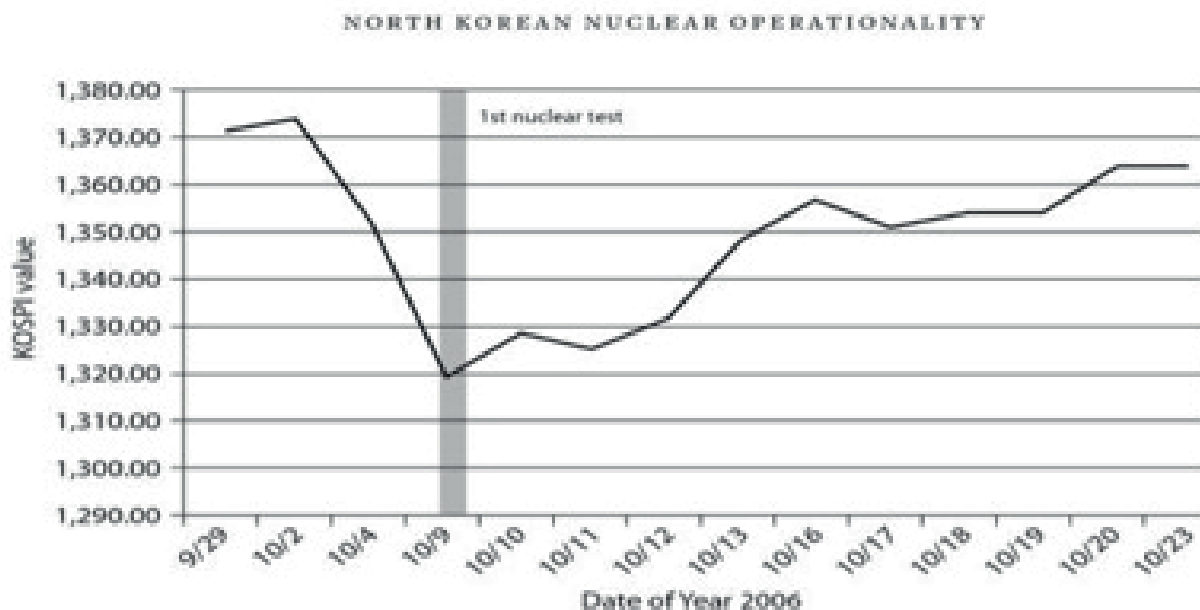


Figure 3.2. Reaction of the Korea Stock Market Index (KOSPI) to the first nuclear test by North Korea, on October 9, 2006.

Source: Gregory J. Moore, Graham T. Allison “North Korean Nuclear Operationality: Regional Security and Nonproliferation”, John Hopkins University Press, Baltimore, MD, 2013

11 <https://www.iaea.org/newscenter/mediaadvisories/iaea-board-governors-adopts-resolution-safeguards-north-korea>

12 <http://www.ifpa.org/pdf/DenuclearizingNorthKorea.pdf>

13 ICBM - Inter-Continental Ballistic Missile

of mass destruction to Pyongyang.

By the resolution that «pursued hostile foreign policy towards the DRPK»<sup>14</sup>, North Korea meant creation of dangerous situation in the region that affected its interests. International community was uncertain and the DPRK proclaimed that it possessed nuclear weapons. North Korea conducted its first successful underground weapon test with a yield of explosion less than 1 kiloton and proclaimed itself as fully fledged nuclear power. As seismic activity recorded during the test was equal to 3.6-4.3 on Richter scale, some countries supposed that the yield was more likely to be equal to 5-15 kilotons. It is debatable whether nuclear capabilities were demonstrated. Furthermore, the missile launch, which was a colossal blow to the NPT, caused a massive political outcry and made negative economic impact through the region.

On 14 October 2006, the UN Security Council adopted the Resolution S/RES/1718, barred North Korea from any other missile-related activity, limited military products and technologies supply. The following limitations were also included in the resolution:

- Abandon all other existing weapons of mass destruction and ballistic missile program in a complete, verifiable and irreversible manner;

- Cease and prevent the export of nuclear items, technology and materials;
- Establish Committee of the SC designed to examine and take appropriate actions as well as promulgate guidelines for implementation and facilitation of the measures.

After North Korea sat at the negotiating table again to the six-party talks, the international community insisted on full DPRK disarmament. Nevertheless, important decisions were reached with concerted efforts. North Korea pledged to freeze its nuclear program development and seal the Yongbyon reprocessing facility. Its strategic reactors were opened for the IAEA personnel to monitor.

### **Second nuclear test 2009**

In February 2009, North Korea warned the international community with the announcement of its readiness to launch the «Kwangmyongsong-2» satellite. The Defense Minister of Japan expressed deep concerns about the security and vulnerable position of his country. The possibility to shoot down the satellite, that was widely believed to be the intercontinental ballistic missile, was pointed out. In the atmosphere of further bilateral escalation, the launch of the satellite was unsuccessful.

Continuing to place high priority to the nuclear development, DPRK conducted its second successful underground test of nuclear device on 25 May 2009. In that case, seismic signals, air sampling, radionuclide monitoring, location and depth of the explosion in hard rock indicated its nuclear nature rather than geological origin. Moreover, the yield of

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14 Robert Daniel Wallace, «North Korea and the Science of Provocation: Fifty Years of Conflict-Making» Jefferson, North Carolina: McFarland&Company, Inc., Publishers, 2016

this test varied between 2-7 kilotons thus being rather stronger than the previous one.

According to the KCNA announcements, the DPRK has conducted «one more successful underground nuclear test» that was «on a new higher level in terms of its explosive power and technology».<sup>15</sup> Any new sanctions against the DPRK were perceived by the country as the «declaration of war».

Despite all mentioned above the majority of scientists admits that the test had nuclear character due to some satellite analysis and Comprehensive Nuclear-

Test-Ban Treaty Organization (CTBTO) research. Nevertheless, no trace of radioactive xenon isotopes and other debris have been found due to weather conditions and the depth of the explosion. Under these circumstances, an on-site inspection is highly needed. The absence of any radioactive effluents and lack of information make it hard to establish whether plutonium or uranium was used.

Harsh international condemnation and its grave concern resulted in adoption of the UN Security Council resolution S/RES/1874 (2009). Underlining once again the importance of non-proliferation



Figure 3.3. Reaction of the Korea Stock Market Index (KOSPI) to the second nuclear test by North Korea, on May 25, 2009.

Source: Gregory J. Moore, Graham T. Allison “North Korean Nuclear Operationality: Regional Security and Nonproliferation”, John Hopkins University Press, Baltimore, MD, 2013

15 Korean Central News Agency, ‘KCNA report on one more successful underground nuclear test’, 25 May 2009, <<http://www.kcna.co.jp/item/2009/200905/news25/20090525-12ee.html>>

regime and possible diplomatic solution of the conflict, provisions of the resolution on North Korea were the following:

- The DPRK shall abandon all nuclear weapons and existing nuclear programs



in a complete, verifiable and irreversible manner and immediately cease all related activities;

- Extension of arms embargo on North Korea including small arms, light weapons and related material;
- All the states are to carry out inspections according to «their national authorities and legislation and consistent with international law»<sup>16</sup> of all cargo to and from the DPRK;
- Creation of «Panel of Experts» consulting committee aimed at examination and analyzation of information as well as at improving implementation of imposed measures.

### 2013 nuclear test

After the Kim Jong-Il death in 2011, his European-educated son, Kim Jong-Un successor of the throne to have consolidated power in his hands, promoting a two-track policy of nuclear development and economic growth. In fact, it demonstrates a keen desire to keep the dictatorship rejecting the external efforts.

The results of this policy and scientific development could be seen in the second successful launch of the satellite “Kwangmyongsong-3” via „Uncha-3“ carrier rocket in December 2012, that made North Korea the 10-th space-faring nation in the world despite the violation of the UN Security Council Resolution S/RES/1874 (2009), S/RES/1718 (2006).

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16 [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_131.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_131.pdf)

Despite the secretive coverage of its space program this time the foreign media were invited to the launch pad. The satellite was designed for the observation of the Earth, space exploration and revolutionary song broadcasting. However, it was deemed by neighbor states a new ballistic missile test.

The UN Security Council adopted the resolution S/RES/2087 (2013) recalling the measures and obligations in accordance with previous relevant resolutions on this matter.

After one year, the magnitude of tremors detected by several countries on 12 February 2013 was estimated at 4.9 on the Richter’s scale. Later it was revised to 6-7 kilotons with the Comprehensive Nuclear Test Ban Treaty Organization’s calculation method. The KCNA proudly announced the third nuclear test over past seven years. The presence of radioactive material is still very debatable. It is not surely known whether the explosion was nuclear.

Expressing deep regrets about the nuclear test and underlining the need to comply with the NPT, the UN Security Council resolution S/RES/2094 (2013) strongly condemned North Korean nuclear activity by imposing a travel ban to a list of individuals and freezing assets of some companies. It also reinforced the right of other states to tighten the sanctions against the DPRK. According to Annex III and Annex IV of the resolution, a wide scope of nuclear and missile items, chemical weapons list as well as luxury goods were prohibited to export to North Korea.

In December 2015, the DPRK claimed that the country had reached the capacity to create a hydrogen bomb. It is entirely possible that North Korea is designing it. However, a special tunnel, that is planned to be built north of Punggye-ri Nuclear Test Site, is intended to be used for further tests.<sup>17</sup>

### Recent tests in 2016

North Korea has conducted two tests in a row in one year, noticing its success despite all sanctions and threats from the United Nations. On 6 January 2016, the fourth underground test was carried out and the 5.1 magnitude earthquake suggested a 6-15 kilotons yield. Governments around the world once again condemned North Korean actions and fragrant violation of its obligations.

Acting contrary to the Security Council regulations and international norms, North Korea launched a new Earth observation satellite «Kwangmyongsong-4» using «Unha-3» launch vehicle. After «tumbling in orbit»<sup>18</sup> it proceeded to explore Earth from space. However, North Korea was accused by a number of states of conducting a test of a medium-range ballistic missile capable of reaching the territory of South Korea, Japan and the United States. The possibility to deploy advanced Terminal High Altitude Area Defense (THAAD) that strongly contradicts to vital interests of

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17 <http://38north.org/2015/12/punggye120215/>

18 <http://www.dailymail.co.uk/news/article-3438206/North-Korean-satellite-tumbling-orbit-marking-SECOND-time-rogue-state-sent-unstable-device.html>

the Russian Federation and China in the region was also explored.

In response, the UN Security Council resolution S/RES/2270 (2016) strongly demanded the DPRK to comply with the international law. The list of North Korean individuals, entities, vessels and luxury goods affected by sanctions was also extended.

North Korea, facing the difficulties with the «Hwasong-10» has announced its success in performing an intermediate-range ballistic missile test on 22 June 2016. The state launched its submarine-based ballistic missile «Pukkuksong-1» as well as medium-ranged «Rodong-1».

Despite multiple efforts to curtail DPRK's nuclear development, recent underground test conducted in September 2016 had a yield equivalent to 15-30 kilotons, roughly twice the previous one, generating a 5.3 magnitude earthquake. According to Kim Jong-Un speech and foreign estimates,<sup>19</sup> this test supposed to be the strongest in the whole history of Pyongyang. The details of the fifth test have not been fully released yet.

### North Korean motives and capability

It is hard to argue with the fact that these five tests in a row have had a serious destabilizing effect. Taking into consideration historical background, violations of international law, oppressive internal policy and unpredictable decisions of North Korean leaders, the country keeps

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19 [https://www.iaea.org/About/Policy/GC/GC59/GC59Documents/English/gc59-22\\_en.pdf](https://www.iaea.org/About/Policy/GC/GC59/GC59Documents/English/gc59-22_en.pdf)

in fear whole international community for decades. However, North Korea has some grounds for such offensive course.

### External threats protection

North Korea made a choice to be the most enclosed country in the world in response to a hardline policy pursued by the rest of the world. As a result of historical background of the country, imposed sanctions, repeated military maneuvers at the border, ships and submarine deployment the DPRK was compelled to devote more attention to its military strength. Armed interference of western countries to Iraq and Libya bred the fear to be the next in this line.

At this point Korea's isolation could not be attributed only to internal causes as it was further treated as an outcast by the international community. Korea's full-blown victim complex makes it act as if the nuclear program was an only plausible option to pursue its national interests. Despite the governmental agenda, North Korea faces with numerous problems in energy sector and in implementation of human rights, which provokes the civilians to seek international contacts deemed illegal by the state.

The system of sanctions practiced by the international community has proven to be counteractive. Current situation creates enormous political tension, driving the country to the brink of a complete breakdown, as it finds itself surrounded by hostile entities, "invasive outsiders", and passive aggressive reactions from the international community. It comes

as no surprise that North Korea behaves with a fragile self-esteem.

### Economical overtone

Spending a big amount of money on numerous scientific researches and failed missile launches, suffering from economic sanctions and embargo, North Korea threatens the world community by declaration of war and nuclear test conduction. The nuclear program is being used as leverage at the negotiations to obtain foreign assistance. Trying to resolve the crisis in a peaceful diplomatic way, western states make advances to supply the country with basic consumer goods and strike various non-prohibited bargains.

North Korean black market became a new normal. There are some concerns about its possibility to proliferate nuclear technologies to other foreign countries. Prior instance of nuclear proliferation and vivid examples of such activity are the DPRK collaboration with Syria, Libya, and Iran in early 2000s and 2010s, respectively.

### The cult of the personality

According to North Korean culture, the leader is a father of the nation who leads the people to the bright future. By the missile launches, the DPRK establishment wants to show its strength and power, motivated by the desire to elevate Kim Jong-Un's status in the world, no matter the magnitude of tough times the state will have to go through.

To date, North Korea has conducted

five underground tests. It goes without saying that the devices explode with greater power every time. It also sets the stage for a new tension on the Korean Peninsula and heightens anxieties in the Asia-Pacific region and beyond.

Nuclear stockpiles and military arsenal program of the «rogue nation» are under debates because of lack of transparency. The research centers' records and states' estimates differ drastically.

Some experts claim that North Korea has successfully developed its plutonium program and the state is believed to possess the technologies for nuclear missile manufacturing. Furthermore, the nuclear warheads have to be «miniaturized»<sup>20</sup> to become small enough to fit in a short-range missile for a nuclear attack. However, this fact has not been independently verified.

For now, it is still unclear whether the bombs have plutonium or uranium nature. Experts cast doubt on Kim Jong-Un's announcement related to the hydrogen bomb explosion. The size of the explosion and some other facts testify to the opposite. Such concerns and claims also give big leap for the nuclear program development. Tests and missile launches, which were conducted with increasing frequency, show increased and expanded capacity of North Korean nuclear capabilities and it is expected to enlarge its stockpiles even further.

The international community expresses skepticism over the DPRK's commitment and perceive its actions as distinctive provocations. The six-party talks resulted in a split concerning future solution of North Korean question, which led to an attempt to seek a comprehensive package to strengthen the maintenance of non-proliferation regime and to deal with the denuclearization overall.

## Conclusion

The country with strong vertical power structure, which closes itself from the rest of the world, threatens the international community with its nuclear program and tests conduction.

Divided after the Second World War nation has not lost the motives to play a significant role in the realm of international politics. Following its model of aggressive behavior, North Korean government wants to be engaged in international politics, though be it in such a peculiar way, making the headlines and demanding attention. The consequences of its actions are hard to estimate, but the signals of surging tensions could have been predicted.

North Korean regional ambitions should not be estimated lightly. The policy of severe sanctions and tough unilateral actions of some states have proven to be ineffective. Enhanced nuclear capability strongly violates the non-proliferation regime.

On the threshold of the 21st century we entered the era of technological advance, information domination and

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20 <http://www.bloomberg.com/news/articles/2016-09-09/shallow-earthquake-detected-near-north-korea-nuclear-test-site>

nuclear development, which opened new horizons for the development of the whole world, but it also undermined the fundamentals of peaceful cooperation. Tortured by foreign sanctions, North Korea was trapped in a loop of mutual aggression, forced by the circumstances to aggravate it through partaking in an extensive nuclear program.

Given the present state of things, a continued dialogue seems to be the best course of action. It is only fair that the international community makes a joint effort to create an environment suitable for this dialogue. This approach could benefit every party ensuring more secure and safer world for the generations to come.

The UN Security Council, as the global peacemaker, has the mission to maintain peace and give an adequate response to the threats in accordance to the UN Charter fundamentals. To conclude, it is necessary to remember the words of the former United Nations Secretary Ban Ki-moon:

«Let us remember that you are here not simply to avoid a nuclear nightmare, but to build a safer world for all...»<sup>21</sup>

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21 United Nations Secretary-General Ban Ki-moon 2010 NPT Review Conference, General Debate, 3 May 2010

## Annex

1. The UN Charter - <http://www.un.org/en/charter-united-nations/index.html>
2. Treaty on the Non-Proliferation of Nuclear Weapons (NPT) - <https://www.iaea.org/publications/documents/treaties/npt>
3. The Statute of the IAEA - <https://www.iaea.org/about/statute>
4. Partial (Limited) Test Ban Treaty (Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water) - [http://disarmament.un.org/treaties/t/test\\_ban/text](http://disarmament.un.org/treaties/t/test_ban/text)
5. Comprehensive Nuclear-Test-Ban Treaty [https://www.ctbto.org/fileadmin/content/treaty/treaty\\_text.pdf](https://www.ctbto.org/fileadmin/content/treaty/treaty_text.pdf)
6. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof - <https://treaties.un.org/pages/showDetails.aspx?objid=080000028010aa4c>
7. Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. (Treaty of Tlatelolco) - <https://www.iaea.org/publications/documents/treaties/treaty-prohibition-nuclear-weapons-latin-america-tlatelolco-treaty>
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10. African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba) - <https://www.iaea.org/publications/documents/treaties/african-nuclear-weapon-free-zone-treaty-pelindaba-treaty>
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12. The Antarctic Treaty - <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280136dbc>
13. The Outer Space Treaty - <http://www.unoosa.org/pdf/publications/STSPACE11E.pdf>

14. The Seabed Arms Control Treaty - <http://www.nti.org/learn/treaties-and-regimes/treaty-prohibition-emplacement-nuclear-weapons-and-other-weapons-mass-destruction-seabed-and-ocean-floor-and-subsoil-thereof-seabed-treaty/>

### International Conventions

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2. Convention on the Early Notification of an Accident - <https://www.iaea.org/publications/documents/treaties/convention-early-notification-nuclear-accident>

3. The Convention relating to civil liability in the field of maritime carriage of nuclear material - <https://treaties.un.org/doc/Publication/UNTS/Volume%20974/volume-974-I-14120-English.pdf>

### Declarations

1. A/RES/1837 (XVII)

18 December 1962

Declaration on the conversion to peaceful needs of the resources released by disarmament

2. A/RES/2826 (XXVI)

16 December 1971

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

3. A/RES/34/88

11 December 1979

Declaration on International Cooperation for Disarmament

4. A/RES/70/57

7 December 2015

Universal Declaration on the Achievement of a Nuclear-Weapon-Free World

## Resolutions

### General Assembly

A/RES/1722(XVI) (1961)

20 December 1961

[Question of disarmament]

A/RES/2028(XX) (1965)

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[Non-proliferation of nuclear weapons]

A/RES/3390(XXX) A-B (1975)

18 November 1975

[The Korean question]

A/RES/3472(XXX) A-B (1975)

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[Comprehensive study of the question of nuclear-weapon-free zones in all its aspects]

A/RES/46/1 (1991)

17 September 1991

[Admission of the Democratic People's Republic of Korea and the Republic of Korea to membership in the United Nations]

A/RES/49/75 E (1994)

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[Step-by-step reduction of the nuclear threat]

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A/RES/62/5 (2007)

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A/RES/70/52 (2015)

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A/RES/70/38 (2015)

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[Follow-up to nuclear disarmament obligations agreed to at the 1995, 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons]

A/RES/70/31 (2015)

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[Promotion of multilateralism in the area of disarmament and non-proliferation]

A/RES/70/172 (2015)

17 December 2015

[Situation of human rights in the Democratic People's Republic of Korea]

### **Security Council**

S/RES/825 (1993)

11 May 1993

[This resolution urged the DPRK to reconsider its announcement to withdraw from the NPT and abide by its international obligations]

S/RES/1540 (2004)

28 April 2004

[Non-proliferation of weapons of mass destruction]

S/RES/1673 (2006)

27 April 2006

[Non-proliferation of weapons of mass destruction]

S/RES/1695 (2006)

15 July 2006

[This resolution condemned North Korea's launch of ballistic missiles and imposed

S/RES/1718 (2006)

14 October 2006

[This resolution expressed grave concern over North Korea's nuclear test, imposed sanctions and set up a sanctions committee]

S/RES/1874 (2009)

12 June 2009

[This resolution expressed grave concern over North Korea's 25 May nuclear test and expanded the sanctions imposed on North Korea to include all arms and related material, as well as financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or material. It also established for the first time a Panel of Experts assisting the Sanctions Committee]

S/RES/1887 (2009)

24 September 2009

[Maintenance of international peace and security: Nuclear non-proliferation and nuclear disarmament]

S/RES/1928 (2010)

7 June 2010

[This resolution extended the mandate of the Panel of Experts that assists the DPRK Sanctions Committee until 12 June 2011]

S/RES/1977 (2011)

20 April 2011

[Non-proliferation of weapons of mass destruction]

S/RES/1985 (2011)

10 June 2011

[This resolution extended the mandate of the Panel of Experts that supports the DPRK Sanctions Committee until 12 June 2012 and asked the Panel to provide its midterm and final reports to the committee a month before they are submitted to the Council, in order to allow for a discussion]

S/RES/2050 (2012)

12 June 2012

[This resolution extended the mandate of the PoE until 12 July 2013]

S/RES/2087 (2013)

22 January 2013

[This resolution condemned the DPRK's 12 December 2012 launch and added designations to the sanctions regime]

S/RES/2094 (2013)

7 March 2013

[This resolution imposed additional sanctions against the DPRK in response to a 12 February 2013 nuclear test]

S/RES/2141 (2014)

5 March 2014

[This resolution extended until 5 April 2015 the mandate of the Panel of Experts assisting the 1718 DPRK Sanctions Committee]

S/RES/2207 (2015)

4 March 2015

[This was a resolution renewing the mandate of the Panel of Experts assisting the 1718 DPRK Sanctions Committee until 5 April 2016]

S/RES/2270 (2016)

2 March 2016

[This was a resolution condemning in the strongest terms the nuclear test conducted by DPRK on 6 January 2016 and its ballistic missile launch of 7 February 2016, and demanding that it comply immediately with its international obligations]

S/RES/2276 (2016)

24 March 2016

[This was a resolution extending the mandate of the Panel of Experts assisting the 1718 DPRK Sanctions Committee, and deciding that the Panel's mandate should apply with respect to measures imposed in resolution 2270]

### **Other sources on the issue:**

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[http://www-pub.iaea.org/MTCD/publications/PDF/Pub1290\\_web.pdf](http://www-pub.iaea.org/MTCD/publications/PDF/Pub1290_web.pdf)

The IAEA Safeguards

[https://www.iaea.org/sites/default/files/safeguards\\_web\\_june\\_2015\\_1.pdf](https://www.iaea.org/sites/default/files/safeguards_web_june_2015_1.pdf)

The agreement of 30 January 1992 between the government of the DPRK and the IAEA for the application of safeguards in connection with the treaty on the non-proliferation of nuclear weapons (INFCIRC/403) - <https://www.iaea.org/sites/default/files/infirc403.pdf>

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World Nuclear Power Reactors & Uranium Requirements –  
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<http://www.nti.org/media/pdfs/aptkoreanuc.pdf>

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# Контакты

## Секретариат

### Адрес:

119454, Москва, Проспект Вернадского,  
76, Спортцентр МГИМО, комната №36

### Телефон / факс:

+7 (495) 434-07-10

+7 (495) 434-30-11

 [vk.com/mimun2017](https://vk.com/mimun2017)

 [@mimun2017](https://www.instagram.com/mimun2017)

 [fb.com/awesome.mimun](https://www.facebook.com/awesome.mimun)

 [@mimun2017](https://twitter.com/mimun2017)

 [secretariat@modelun.ru](mailto:secretariat@modelun.ru)

[modelun.ru](http://modelun.ru)