

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Folder Title:

Korea, July-December, 1994 [3]

Staff Office-Individual:

Asian Affairs-Roth, Stanley

Original OA/ID Number:

405

Row:	Section:	Shelf:	Position:	Stack:
30	3	3	3	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	Instructions for DAS Hubbard, MG Smith (4 pages)	12/27/1994	P1/b(1)
002. cable	US-Russia Missile Nonproliferation Agreement (5 pages)	11/08/1994	P1/b(1)
003. memo	memcon, POTUS meeting with PM Murayama of Japan and President Kim of South Korea (3 pages)	11/14/1994	P1/b(1)
004. memo	memcon re Draft Understanding Between US and DPRK (2 pages)	12/29/1994	P1/b(1)
005. memo	telcon, POTUS and President Kim of South Korea (4 pages)	11/29/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [3]

2009-0528-F

kc1347

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9409974
RECEIVED: 22 DEC 94 15

TO: PRESIDENT

File

FROM: LAKE
GRIFFIN, P

DOC DATE: 22 DEC 94
SOURCE REF:

KEYWORDS: KOREA NORTH

AP

PERSONS: RICHARDSON, BILL

HALL, B

SUBJECT: PRES MTG W/ REP RICHARDSON ON NORTH KOREA SITUATION

ACTION: NOTED BY PRESIDENT

DUE DATE: 26 DEC 94 STATUS: C

STAFF OFFICER: ROTH

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BELL
DANVERS
NSC CHRON
ROTH

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By W NARA, Date 12/30/14
2009-0528-F

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSKDB

CLOSED BY: NSDRS

DOC 2 OF 2

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
ACTION DATA SUMMARY REPORT

RECORD ID: 9409974

DOC ACTION OFFICER

001 LAKE
002 PRESIDENT
002

CAO ASSIGNED ACTION REQUIRED

Z 94122217 FWD TO PRESIDENT FOR INFORMATION
Z 94122213 FOR INFORMATION
X 94122916 NOTED BY PRESIDENT

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

002 941222
002 941222

DISPATCH FOR INFO

VICE PRESIDENT
WH CHIEF OF STAFF

~~CONFIDENTIAL~~

REC'D 6:07 pm '24.

National Security Council
The White House

PROOFED BY: _____

LOG # 9974

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT

BYPASSED WW DESK: _____

DOCLOG APB A/O _____

APB

	SEQUENCE TO	HAS SEEN	DISPOSITION
Reed	_____	_____	_____
Sens	<u>1</u>	<u>ADS</u>	_____
Itoh	_____	_____	_____
Soderberg	_____	_____	_____
Berger	<u>2</u>	<u>mt</u>	_____
Lake	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	<u>APB 12/22</u>	<u>To</u>
NSC Secretariat	<u>3</u>	<u>APB 12/27</u>	<u>+</u>
_____	<u>3</u>	_____	<u>N</u>
_____	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

Griffin

COMMENTS:

Exec Sec Office has diskette APB

THE WHITE HOUSE
WASHINGTON

THE PRESIDENT HAS SEEN

12 23 94

December 22, 1994

MEETING WITHRepresentative Bill Richardson

DATE: December 23, 1994

LOCATION: Oval Office

TIME: 2:00 p.m.

FROM: ANTHONY LAKE *RL*
PAT GRIFFINI. PURPOSE

To thank Representative Richardson for his extraordinary efforts to secure the return of the crew of the downed U.S. helicopter in North Korea.

II. BACKGROUND

As of the time of the writing of this memo, there is no definite indication when North Korea will release Chief Warrant Officer Hall. An update on this situation will be provided immediately before the meeting with Rep. Richardson.

Chief Warrant Officer Hilemon's remains have arrived at Travis Air Force Base, where an autopsy will be performed. His remains will be released to his family after Christmas for burial. A preliminary medical examination of the remains in South Korea suggest that his death was caused by blunt trauma associated with a crash impact rather than by wounds associated with weaponry. However, these preliminary findings will have to be confirmed by a more thorough autopsy.

III. PARTICIPANTS

Representative Bill Richardson
Lt. Col. John Nichols
Miguel Marquez

Secretary of Defense William Perry
JCS Chairman John Shalikashvili
Sandy Berger
Peter Tarnoff
Stanley Roth (notetaker)

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By TM NARA, Date 12/30/14
2009-0528-F

IV. PRESS PLAN

White House photographer only. Written statement for release after meeting. If Congressman Richardson wishes to talk to press after meeting, he can use the stakeout area.

V. SEQUENCE

NA

Attachment
Tab A Talking Points

POINTS TO BE MADE FOR MEETING WITH
REPRESENTATIVE BILL RICHARDSON

- Welcome home.
- Both the country and I owe you a debt of gratitude for your outstanding efforts under the most trying of circumstances to secure the release of the crew of the downed helicopter.
- Thanks to your efforts, I am convinced that the return of the remains of Chief Warrant Officer Hilemon has been expedited.
- Based on some of your previous statements, I'm hopeful that Chief Warrant Officer Hall will be released in the near future.
- I'd be interested in any further details that you can provide on this point, as well as any other insights that you wish to share about your negotiations.
- I understand that you also had some discussions about the nuclear issue, and I'd welcome your insights on that matter.
- Finally, while I recognize that you're just off the aircraft and haven't had time yet to consult with your Congressional colleagues, I'd be interested in your assessment of the impact of the helicopter incident on Congressional support for the nuclear agreement. I'm assuming that Hall is to be released in a day or two.

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By (u) NARA, Date 12/30/14

2009-0528-F

~~CONFIDENTIAL~~

Declassify on: OADR

~~CONFIDENTIAL~~

9974

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

December 22, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM:

STANLEY O. ROTH *SOR*

SUBJECT:

President's Meeting with Congressman Richardson

Attached at Tab I is a Memorandum for the President for his December 23 meeting with Congressman Bill Richardson on the North Korean helicopter shootdown incident.

Concurrence by:

SR for
Bob Bell, Bill Danvers *BD*

RECOMMENDATION

That you sign the Memorandum for the President at Tab I

Approve *SR*

Disapprove _____

Attachments

Tab I Memorandum for the President

Tab A

Talking Points for Meeting with Congressman Richardson

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By *CA*

NARA, Date 12/30/14

2009-0528-F

~~CONFIDENTIAL~~

Declassify on: OADR

Cleared by phone
5:45 PM (for Silman)
12/27 SR

94

Washfax Receipt

Department of State

B

S/S #

URGENT

015572

Message No. _____ Classification SECRET No. Pages 4

From: Marisa Lino S/S 647-5302 7224
(Offices name) (Office symbol) (Extension) (Room number)

Message Description Cable to SEOUL: Instructions for DAS Hubbard, MG Smith

To (Agency):

Deliver To:

Extension

Room No.

NSCS

456-9461

WHSITRM

~~Andy Cons~~ ITOH

BERGER

Executive Secretariat

WOLIN

ROTH

For: Clearance ☒ Information ☐ Per Request ☐ Comment ☐

Remarks: Please clear by: SUPER URGENT - PIS. PASS

TO WILL ITOH IMMEDIATELY, PER OUR
CONVERSATION.

TCB

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

Initials: ML Date: 12/30/14

S/S Officer: Marisa Lino

2009-0528-F

CROSSHATCH

Return Time-Stamped Coversheet to S/S

Withdrawal/Redaction Marker

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National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [3]

2009-0528-F

kc1347

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94 DEC -5 P 303

Washfax Receipt

Department of State

B

S/S #

Defined
to
Harris
12/6/94

Message No. 014607 Classification SECRET No. Pages 5

From: Catherine Barry S/S 647-5302 7224
(Office name) (Office symbol) (Extension) (Room number)

Message Description Cable to MOSCOW: U.S.-RUSSIA MISSILE NONPROLIFERATION
AGREEMENT: RESOLVING PAST RUSSIAN ACTIVITIES OF CONCERN

To (Agency):	Deliver To:	Extension	Room No.
NSCS	Nancy Godenberg	456-9461	WHSITRM
	Will Huh		
	Andy Sens		
	Executive Secretariat		
Burns	Poreman Bell	Indyk	Suettinger
Gottensmoeller	Aoki Andreassen	harpson	Roth
INFO: Stern	Harris		

For: Clearance ☒ Information ☐ Per Request ☐ Comment ☐

Remarks: Please clear by: DECEMBER 7.

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

Initials: CB Date: 12/30/14

2009-0528-F

9/9 Officer: Catherine Barry

Catherine Barry

CROSSHATCH

Return Time-Stamped Coversheet to 9/9

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. cable	US-Russia Missile Nonproliferation Agreement (5 pages)	11/08/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [3]

2009-0528-F

kc1347

RESTRICTION CODES

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File

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9408931
RECEIVED: 04 NOV 94 09

TO: AGENCIES

FROM: LAKE

DOC DATE: 08 DEC 94
SOURCE REF:

KEYWORDS: FOREIGN ASSISTANCE
ECONOMIC ASSISTANCE

BUDGET

PERSONS:

SUBJECT: FUTURE COMMITMENTS TO FORN GOVT

ACTION: FOR INFORMATION

DUE DATE: 08 NOV 94 STATUS: C

STAFF OFFICER: CLARKE

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

ANDRICOS
BELL
BERGER
BREELAND
BURNS
CLARKE
CLAUSSEN
FAUVER
FEINBERG
HALPERIN
INDYK
ITOH
KRECZKO
LAKE
LEARY
PONEMAN
ROSS
ROTH
SCHIFTER

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By W NARA, Date 12/30/14
2009-0528-F

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJEB

CLOSED BY: NSGP

DOC 4 OF 4

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
ACTION DATA SUMMARY REPORT

RECORD ID: 9408931

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 CLARKE	Z 94110409 PREPARE MEMO FOR LAKE
002 LAKE	Z 94110813 FOR SIGNATURE
003	Z 94111114 LAKE SGD MEMO TO RIVLIN
004	X 94120819 LAKE SGD MEMO TO AGENCIES
004	X 94121618 FOR INFORMATION

DISPATCH DATA SUMMARY REPORT

<u>DOC</u>	<u>DATE</u>	<u>DISPATCH FOR ACTION</u>	<u>DISPATCH FOR INFO</u>
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003	941111	RIVLIN, A	
004	941208	CHRISTOPHER, W	
004	941208	BENTSEN, L	
004	941208	PERRY, W	
004	941208	RENO, J	
004	941208	ESPY, M	
004	941208	BROWN, R	
004	941208	O'LEARY, H	
004	941208	ATWOOD, J	
004	941208	HOLUM, J	
004	941208	DUFFEY, J	
004	941208	RUBIN, R	
004	941208	GIBBONS, J	

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

8931

THE WHITE HOUSE

WASHINGTON

December 8, 1994

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF ENERGY
ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL
DEVELOPMENT
DIRECTOR OF THE UNITED STATES INFORMATION AGENCY
DIRECTOR OF THE ARMS CONTROL AND DISARMAMENT
AGENCY
DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY
POLICY
DIRECTOR OF THE NATIONAL ECONOMIC COUNCIL

By W NARA, Date 2/30/14
2009-0528-F

SUBJECT: Future Commitments to Foreign Governments

The number and complexity of international efforts to develop regional peace and security arrangements and promote sustainable economic development are making it more difficult to control future budgetary commitments. In particular, there are strong pressures to undertake commitments to provide foreign aid or other financial assistance to other countries and international organizations in addition to funds provided in approved budgets.

Promises of additional assistance, whether formal or informal, commit future-year budget resources. Even when qualified as being subject to future authorization and appropriations, such commitments preempt decisions by the President on the budget and reduce the President's flexibility to respond to new requests following the appropriation of funds. For these reasons, it had been a long standing policy in previous Administrations that no official of the Executive Branch make, or imply, any commitments to seek such funds in the absence of a specific decision by the President.

Accordingly, all proposals to commit foreign assistance, or other U.S. funds beyond those included in the budget, should be submitted to NSC and OMB for approval before any commitment -- formal, informal, or implied -- is made to another government or international organization. National Security Council staff, in coordination with the Office of Management and Budget, will

~~CONFIDENTIAL~~

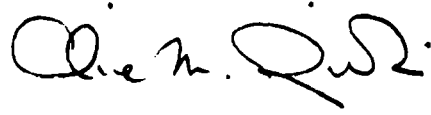
~~CONFIDENTIAL~~

2

develop procedures necessary to ensure rapid and thorough review of future commitment proposals.



Anthony Lake
Assistant to the President
for National Security Affairs



Alice M. Rivlin
Director
Office of Management
and Budget

~~CONFIDENTIAL~~

(File)

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9409454
RECEIVED: 29 NOV 94 09

TO: ITOH

FROM: ROTH

DOC DATE: 29 NOV 94
SOURCE REF:

KEYWORDS: KOREA SOUTH
MEMCON

JAPAN

PERSONS:

SUBJECT: MEMCON W/ PRES KIM OF SOUTH KOREA & PM MURAYAMA OF JAPAN ON 14 NOV

ACTION: SENS APPROVED RECOM

DUE DATE: 02 DEC 94 STATUS: C

STAFF OFFICER: ROTH

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

NSC CHRON

ROTH

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By (W) NARA, Date 12/30/14
2009-0528-F

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSASK

CLOSED BY: NSDRS

DOC 1 OF 1

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
ACTION DATA SUMMARY REPORT

RECORD ID: 9409454

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 ITOH
001

Z 94113015 FOR DECISION
X 94113018 SENS APPROVED RECOM

~~CONFIDENTIAL~~

National Security Council
The White House

PROOFED BY: MBN LOG # 9154
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
 BYPASSED WW DESK: _____ DOCLOG MBN A/O _____

78

	SEQUENCE TO	HAS SEEN	DISPOSITION
Reed	_____	_____	_____
Sens	<u>1</u>	<u>ADS</u>	_____
Itoh	_____	_____	_____
Soderberg	_____	_____	_____
Berger	<u>1</u>	_____	_____
Lake	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>2</u>	<u>MBN 1/30</u>	<u>D</u>
NSC Secretariat	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: _____

COMMENTS:

Exec Sec Office has diskette yes

~~SECRET~~

~~SECRET~~

9454

NATIONAL SECURITY COUNCIL
WASHINGTON, D C 20506

November 29, 1994

ACTION

MEMORANDUM FOR WILLIAM ITOH

FROM: STANLEY ROTH *SR*

SUBJECT: Memcon with President Kim of South Korea and Prime Minister Murayama of Japan on November 14, 1994

Attached at Tab I is a Memorandum of Conversation between the President and President Kim of the Republic of North Korea and Prime Minister Murayama of Japan during the APEC visit in Indonesia.

RECOMMENDATION

That the attached Memorandum of Conversation be filed for the record.

Approve *ADS* Disapprove _____
u/30/94

Attachment
Tab I Memcon

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By *W* NARA, Date *12/30/14*
2009-0528-F

~~SECRET~~

Declassify on: OADR

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9500006
RECEIVED: 03 JAN 95 11

TO: ITOH



FROM: ROTH

DOC DATE: 05 JAN 94
SOURCE REF:

KEYWORDS: KOREA SOUTH

TELCON

PERSONS: KIM YOUNG SAM

SUBJECT: TELCON BTW PRES & PRES KIM YOUNG SAM OF SOUTH KOREA ON 29 DEC

ACTION: ITOH APPROVED RECOM

DUE DATE: 06 JAN 95 STATUS: C

STAFF OFFICER: ROTH

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

EXECSEC
FICKLIN
HILLIARD
NSC CHRON
ROTH

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By RU NARA, Date 12/30/14
2009-0528-F

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSASK

CLOSED BY: NSKDB

DOC 1 OF 1

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

0006

January 5, 1995

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

FROM: STANLEY ROTH *SR*

SUBJECT: Telcon with President Kim of South Korea

Attached at Tab I is the Memorandum of Telephone Conversation which took place on December 29, 1994, between the President and President Kim.

RECOMMENDATION

That the attached Memorandum of Telephone Conversation be filed for the record.

Approve *AS* Disapprove _____

Attachment

Tab. I Memorandum of Telephone Conversation

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By *DA* NARA, Date 12/30/14
2009-0528-F

~~CONFIDENTIAL~~

Declassify on: OADR

~~CONFIDENTIAL~~

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. memo	telcon, POTUS and President Kim of South Korea (4 pages)	11/29/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Stanley Roth (Asian Affairs)
OA/Box Number: 405

FOLDER TITLE:

Korea, July-December, 1994 [3]

2009-0528-F

kc1347

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 5, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: ROBERT L. SUETTINGER *RLS*

SUBJECT: Proposed Treaty on Mutual Legal Assistance on
Criminal Matters Between the United States and the
Republic of Korea

Attached at Tab I is a Memorandum for the President recommending that he transmit the attached MLAT to the Senate for advice and consent to ratification. The Memorandum includes a draft Presidential letter of transmittal to the Senate (Tab A), an introductory letter from Deputy Secretary of State Strobe Talbott (Tab B), and a copy of the Treaty (Tab C).

Concurrences by: *RLS* Alan Kreczko, *RLS* William Danvers, *SJD* Sean Barragh

RECOMMENDATION

That you sign the Memorandum for the President at Tab I.

Attachments

Tab I Memorandum for the President

Tab A	Draft Transmittal Letter to the Senate
Tab B	Incoming Letter from Department of State
Tab C	Proposed Mutual Legal Assistance Treaty Between the United States and the Republic of Korea

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE
PATRICK GRIFFINSUBJECT: Proposed Treaty on Mutual Legal Assistance on
Criminal Matters Between the United States and the
Republic of KoreaPurpose

To transmit to the Senate for its advice and consent the Treaty on Mutual Legal Assistance on Criminal Matters Between the United States of America and the Republic of Korea, signed on November 23, 1993.

Background

Deputy Secretary of State Strobe Talbott has forwarded the Mutual Legal Assistance Treaty between the United States of America and the Republic of Korea for your transmission to the Senate requesting its advice and consent to ratification (Tab C)

Attached for signature is your transmittal message to the Senate (Tab A), which also forwards the State Department report on the treaty (Tab B) and the consolidated text of the treaty (Tab C).

This treaty is another in a series of treaties we have negotiated to improve international cooperation in investigating and prosecuting violent crime, drug trafficking, fraud and other "white collar crime." Similar agreements have been signed in recent years with Argentina, The Bahamas, Canada, Italy, Mexico, Morocco, the Netherlands, Spain, Switzerland, Thailand, Turkey, the United Kingdom and Uruguay. Several others are still pending.

The treaty is self-executing and will not require implementing legislation.

cc: Vice President
Chief of Staff

RECOMMENDATION

That you sign the transmittal message at Tab A.

Approve _____

Disapprove _____

Attachments

Tab A Transmittal Message to the Senate

Tab B Deputy Secretary of State Talbott's Forwarding Memorandum
to the President

Tab C The Original Treaty

TO THE SENATE OF THE UNITED STATES:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Republic of Korea on Mutual Legal Assistance in Criminal Matters, signed at Washington on November 23, 1993, with a related exchange of notes signed the same date. I transmit also, for the information of the Senate, the Report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties that the United States is negotiating in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white-collar" criminals, and terrorists. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance

available under the treaty includes: (1) taking testimony or statements of persons; (2) providing documents, records, and articles of evidence; (3) serving documents; (4) locating or identifying persons or items; (5) transferring persons in custody for testimony or other purposes; (6) executing requests for searches and seizures; (7) assisting in forfeiture proceedings; and, (8) rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

THE WHITE HOUSE,

TO THE SENATE OF THE UNITED STATES:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Republic of Korea on Mutual Legal Assistance in Criminal Matters, signed at Washington on November 23, 1993, with a related exchange of notes signed the same date. I transmit also, for the information of the Senate, the Report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties that the United States is negotiating in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white-collar" criminals, and terrorists. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance

Panama have been transmitted to the Senate and await Senate consideration. This Treaty contains many provisions similar to those in the other treaties. It will enhance our ability to investigate and prosecute a variety of offenses, including violent crimes, drug trafficking, and fraud and other white-collar crimes. The Treaty is designed to be self-executing and will not require implementing legislation.

Article 1 contains a non-exhaustive list of the major types of assistance to be provided under the Treaty, including taking the testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons or items; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in forfeiture proceedings; and any other form of assistance not prohibited by the laws of the Requested State. The scope of the Treaty includes not only criminal offenses, but also proceedings related to criminal matters, which may be civil or administrative in nature. The article makes it clear that the Treaty is not designed to be utilized by nongovernmental parties or institutions who seek evidence for use in solely private matters.

Similarly, the Treaty is not intended to create any right in a private person to suppress or exclude evidence.

Article 2 provides for the establishment of Central Authorities and defines the Central Authorities for purposes of the Treaty. For the United States, the Central Authority is the Attorney General or a person designated by the Attorney General. For the Republic of Korea, the Central Authority is the Minister of Justice or a person designated by the Minister of Justice.

Article 3 sets forth the circumstances under which a State may deny assistance under the Treaty. A request may be denied if it relates to a political or military offense that would not be a crime under ordinary criminal law, or if the Central Authority of the Requested State has substantial grounds to believe that compliance with the request would promote prosecution or punishment based on race, religion, nationality or political opinion. In addition, a request may be denied if its execution would prejudice the security or similar essential interests of the Requested State.

Article 3 also gives the Requested State the discretion to deny assistance if the conduct that is

the subject of the request would not constitute an offense under the laws of the Requested State. This basis for denial, however, does not apply if the conduct in question falls under one of 23 categories of serious crimes described in the annex to the Treaty, for which assistance must be provided without regard to whether the conduct would be punishable under the laws of the Requested State.

Before denying assistance under Article 3, the Central Authority of the Requested State is required to consult with its counterpart in the Requesting State to consider whether assistance can be given subject to such conditions it deems necessary. If the Requesting State accepts assistance subject to conditions, it shall comply with the conditions. If the Central Authority of the Requested State denies assistance, it shall inform the Central Authority of the Requesting State of the reasons for the denial.

Article 4 prescribes the form and content of written requests under the Treaty, specifying in detail the information required in each case. The article specifies further information to be provided to the extent necessary and possible to assist in locating individuals and effecting particular types of assistance. Unless otherwise agreed, all requests

and supporting documents shall be in the language of the Requested State.

Article 5 requires the Requested State to comply promptly with a request, or to transmit it to the authorities with jurisdiction to do so. The competent authorities of the Requested State shall do everything in their power to execute a request. The Courts of the Requested State shall have authority to issue subpoenas, search warrants, or other orders necessary to execute the request.

Requests are to be executed in accordance with the laws of the Requested State unless the Treaty provides otherwise. However, the method of execution specified in the request shall be followed except insofar as it is prohibited by the laws of the Requested State.

If the Central Authority of the Requested State determines that execution of the request would interfere with an ongoing criminal investigation or proceeding, it may postpone execution or, after consultations with the Requesting State, impose conditions on such execution. If the Requesting State accepts assistance subject to such conditions, it shall comply with them.

Article 5 further requires the Requested State, if so requested, to use its best efforts to keep confidential a request and its contents, and to

inform the Requesting State if the request cannot be executed without breaching confidentiality.

Article 6 apportions between the two States the costs incurred in executing a request. Generally, each State shall bear the expenses incurred within its territory in executing a request.

Article 7 obliges the Requesting State not to use any information or evidence obtained under the Treaty for purposes unrelated to the proceedings stated in the request without prior consent of the Requested State. If the Requested State requests that information or evidence furnished be kept confidential, the Requesting State is required to use its best efforts to comply with the conditions specified. Once information is made public in the Requesting State in accordance with the Treaty, no further limitations on use apply.

Article 8 provides that the Requested State may compel, if necessary, the taking of testimony or production of documents or other evidence in its territory on behalf of the Requesting State. The article requires the Requested State, upon request, to inform the Requesting State in advance of the date and place of the taking of testimony.

Article 8 also requires the Requested State to permit the presence of any persons specified in the

request (such as the accused, counsel for the accused, or other interested persons) and to permit such persons to question the person whose testimony is being taken or, if such direct questioning is not permitted, to submit questions to the appropriate authority. In the event that a person whose testimony or evidence is being taken asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting State, the testimony or evidence shall be taken and the claim made known to the Requesting State for resolution by its authorities.

Finally, Article 8 provides a mechanism for authentication of documentary evidence produced pursuant to this article and provides that no further authentication or certification shall be necessary in order for such information to be admissible in evidence in proceedings in the Requesting State.

Article 9 requires that the Requested State provide the Requesting State with copies of publicly available records or information of government departments and agencies. The Requested State may further provide copies of other records or information in the possession of a government department or agency but not publicly available, to

the same extent and under the same conditions as it would to its own law enforcement or judicial authorities. Article 9 requires authentication of documents furnished in the manner specified in the request and confirms their admissibility in evidence in the Requesting State if so authenticated.

Article 10 provides a mechanism for the Requesting State to invite the voluntary appearance and testimony in its territory of a person located in the Requested State. The Central Authority of the Requested State is required to invite the person to appear and to promptly inform the Requesting State of the person's response.

Article 11 provides for the voluntary transfer to one State of a person in custody in the other State for purposes of assistance under the Treaty, provided that the person in question and both States agree. The article establishes the express authority and the obligation of the Requesting State to maintain the person transferred in custody unless otherwise authorized by the Requested State. It further obligates the Requesting State to return the person to the Requested State as soon as circumstances permit or as otherwise agreed by the States, without the need for extradition proceedings.

Article 12 provides that a person voluntarily appearing in the Requesting State pursuant to Article 10 or 11 shall be immune from criminal prosecution, detention, or any restriction of personal liberty, and shall not be subject to service of process while he is in the Requested State. This "safe conduct" is limited to acts or convictions that preceded the person's departure from the Requested State. Any safe conduct provided under this article shall cease 15 days after the person's presence is no longer required in the Requesting State or whenever the person voluntarily enters that State after leaving it.

Article 13 requires the Requested State to use its best efforts to ascertain the location or identity of persons or items specified in a request.

Article 14 requires the Requested State to use its best efforts to effect service of any documents relating to or forming part of a request under the Treaty. The article further requires that, unless otherwise agreed, any request for the service of a document inviting a person to appear in the territory of the Requesting State be received by the Requested State no later than 30 days before the scheduled appearance. The Requested State is required to return proof of service.

Article 15 obligates the Requested State to execute requests for search, seizure, and delivery of any item to the Requesting State if the request includes the information justifying such action under the laws of the Requested State. The article further provides for the certification of the continuity of custody, and the identity and integrity of any such item in order to preserve its admissibility in evidence in the Requesting State. In addition, Article 15 provides that the Central Authority of the Requested State may impose conditions on the transfer of the seized items to protect third-party interests in the property.

Article 16 obliges the Requesting State to return to the Requested State as soon as possible any documents, records, or items furnished under the Treaty if the Requested State so requests.

Article 17 provides that, if one State becomes aware of fruits or instrumentalities of offenses that are located in the territory of the other State and may be forfeitable or otherwise subject to seizure under the laws of the other State, it may so inform the other State. Article 17 also obligates the States to assist one another to the extent permitted by their respective laws in proceedings involving the forfeiture of the proceeds and instrumentalities of

crime. The article further permits the States to agree to share forfeited assets, or the proceeds of their sale, to the extent permitted by their respective laws and upon such terms as they deem appropriate.

Article 18 states that assistance and procedures provided in the Treaty shall not prevent the granting of assistance under any other international convention or bilateral agreement between the two States. The article also states that the Treaty shall not prevent the granting of assistance available under the national laws of either State.

Article 19 provides that the Central Authorities of the two States shall consult, at times mutually agreed upon, concerning the most effective means to implement the provisions of the Treaty.

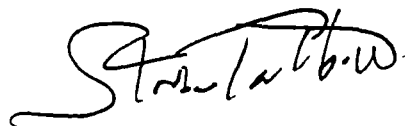
Article 20 provides that the Treaty shall be ratified and shall enter into force upon exchange of instruments of ratification. The article also includes a provision that allows for requests under the Treaty to be actionable even if the relevant acts or omissions occurred prior to the date the Treaty entered into force. In addition, Article 20 allows either State to terminate the Treaty with six months written notice to the other State.

In an exchange of diplomatic notes accompanying the Treaty, the two States agree to utilize one of three certificates of authenticity for business records or foreign public documents requested pursuant to the Treaty. The exchange of notes will enter into force at the same time as the Treaty.

A Technical Analysis explaining in detail the provisions of the Treaty is being prepared by the United States negotiating delegation, consisting of representatives from the Departments of Justice and State, and will be transmitted separately to the Senate Committee on Foreign Relations.

The Department of Justice joins the Department of State in recommending approval of this Treaty by the Senate as soon as possible.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Stuart B. W.", is written below the text "Respectfully submitted,". The signature is fluid and cursive, with a large initial "S" and a distinct "W" at the end.

TREATY
BETWEEN
THE UNITED STATES OF AMERICA AND
THE REPUBLIC OF KOREA
ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The Government of the United States of America and the
Government of the Republic of Korea,

Desiring to improve the effectiveness of both countries in
the prevention, investigation, and prosecution of crime through
cooperation and mutual legal assistance in criminal matters,

Have agreed as follows:

Article 1

Scope of Assistance

1. The Contracting Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the prevention, investigation, and prosecution of offenses, and in proceedings related to criminal matters.

2. Assistance shall include:

- a. taking the testimony or statements of persons;
- b. providing documents, records, and articles of evidence;
- c. serving documents;
- d. locating or identifying persons or items;
- e. transferring persons in custody for testimony or other purposes;
- f. executing requests for searches and seizures;
- g. assisting in forfeiture proceedings; and
- h. any other form of assistance not prohibited by the laws of the Requested State.

3. This Treaty is intended solely for mutual legal assistance between the Contracting Parties. The provisions of this Treaty shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

Article 2
Central Authorities

1. Each Contracting Party shall designate a Central Authority to make and receive requests pursuant to this Treaty.
2. For the United States of America, the Central Authority shall be the Attorney General or such persons designated by him. For the Republic of Korea, the Central Authority shall be the Minister of Justice or such persons designated by him.
3. For the purposes of this Treaty, the Central Authorities shall communicate directly with one another, or through the diplomatic channel.

Article 3
Limitations on Assistance

1. The Central Authority of the Requested State may deny assistance if:
 - a. the request relates to a political offense or to an offense under military law which would not be an offense under ordinary criminal law;
 - b. there are substantial grounds leading the Central Authority of the Requested State to believe that compliance would facilitate the prosecution or punishment of the person to whom the request refers on

account of his race, religion, nationality or political opinions;

c. the execution of the request would prejudice the security or similar essential interests of the Requested State; or

d. except as provided in paragraph 2 below, the conduct which is the subject of the investigation, prosecution, or proceeding in the Requesting State would not constitute an offense under the laws of the Requested State.

2. The Requested State shall, with respect to the categories of conduct described in the Annex to this Treaty, provide assistance without regard to whether the conduct which is the subject of the investigation, prosecution, or proceeding in the Requesting State would constitute an offense under the laws of the Requested State.

3. Before denying assistance pursuant to this Article, the Central Authority of the Requested State shall consult with the Central Authority of the Requesting State to consider whether assistance can be given subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with the conditions.

4. If the Central Authority of the Requested State denies assistance, it shall inform the Central Authority of the Requesting State of the reasons for the denial.

Article
Form and Content of Requests

1. A request for assistance shall be in writing except that the Central Authority of the Requested State may accept a request in another form in urgent situations. In any such situation, the request shall be confirmed in writing promptly thereafter unless the Central Authority of the Requested State agrees otherwise. The request and any accompanying documents shall be in the language of the Requested State unless otherwise agreed.

2. The request shall include the following:

- a. the name of the authority conducting the investigation, prosecution, or proceeding to which the request relates;
- b. a description of the subject matter and the nature of the investigation, prosecution, or proceeding, including the specific criminal offenses which relate to the matter;
- c. a description of the evidence, information, or other assistance sought;
- d. a statement of the purpose for which the evidence, information, or other assistance is sought.

3. To the extent necessary and possible, a request shall also include:

- a. information on the identity and location of any person from whom evidence is sought;
- b. information on the identity and location of a person to be served, that person's relationship to the proceedings, and the manner in which service is to be made;
- c. information on the identity and whereabouts of a person to be located;
- d. a precise description of the place or person to be searched and of the items to be seized;
- e. a description of the manner in which any testimony or statement is to be taken and recorded;
- f. a list of questions to be asked of a witness;
- g. a description of any particular procedure to be followed in executing the request;
- h. information as to the allowances and expenses to which a person asked to appear in the Requesting State will be entitled; and
- i. any other information which may be brought to the attention of the Requested State to facilitate its execution of the request.

Article 5

Execution of Requests

1. The Central Authority of the Requested State shall promptly execute the request or, when appropriate, transmit it

to the authority having jurisdiction to do so. The competent authorities of the Requested State shall do everything in their power to execute the request. The Courts of the Requested State shall have authority to issue subpoenas, search warrants, or other orders necessary to execute the request.

2. When necessary, the request shall be presented to the appropriate authority by the persons appointed by the Central Authority of the Requested State.

3. Requests shall be executed in accordance with the laws of the Requested State except to the extent that this Treaty provides otherwise. However, the method of execution specified in the request shall be followed except insofar as it is prohibited by the laws of the Requested State.

4. If the Central Authority of the Requested State determines that execution of a request would interfere with an ongoing criminal investigation or proceeding in that State, it may postpone execution, or make execution subject to conditions determined to be necessary after consultations with the Central Authority of the Requesting State. If the Requesting State accepts the assistance subject to the conditions, it shall comply with the conditions.

5. The Requested State shall use its best efforts to keep confidential a request and its contents if such confidentiality is requested by the Central Authority of the Requesting State. If the request cannot be executed without breaching the requested confidentiality, the Central Authority of the

Requested State shall so inform the Central Authority of the Requesting State, which shall then determine whether the request should nevertheless be executed.

6. The Central Authority of the Requested State shall respond to reasonable inquiries by the Central Authority of the Requesting State concerning progress toward execution of the request.

7. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the outcome of the execution of the request. If the requested assistance is not provided, the Central Authority of the Requested State shall supply the reasons for this outcome to the Central Authority of the Requesting State.

Article 6

Costs

The Requested State shall assume all costs relating to the execution of the request within its territory, except for the fees of expert witnesses, the costs of translation and transcription, and the allowances and expenses related to travel of persons pursuant to Articles 10 and 11, which fees, allowances, and expenses shall be paid by the Requesting State.

Article 7

Limitations on Use

1. The Requesting State shall not use any information or evidence obtained under this Treaty in any investigation, prosecution, or proceeding other than that described in the request without the prior consent of the Requested State.

2. The Central Authority of the Requested State may request that information or evidence furnished under this Treaty be kept confidential in accordance with conditions which it shall specify. In that case, the Requesting State shall use its best efforts to comply with the conditions specified.

3. Information or evidence which has been made public in the Requesting State in accordance with paragraph 1 or 2 may thereafter be used for any purpose.

Article 8

Testimony or Evidence in the Requested State

1. A person in the Requested State from whom evidence is requested pursuant to this Treaty shall be compelled, if necessary, to appear and testify or produce any item, including documents, records, and any other articles of evidence.

2. Upon request, the Central Authority of the Requested State shall furnish information in advance about the date and place of the taking of the testimony or evidence pursuant to this Article.

3. The Requested State shall permit the presence of such persons as specified in the request during the execution of the request, and may allow such persons to question the person whose testimony or evidence is being taken. In the event that such direct questioning is not permitted, such persons shall be allowed to submit questions to be posed to the persons whose testimony or evidence is being taken.

4. If the person referred to in paragraph 1 asserts a claim of immunity, incapacity, or privilege under the laws of the Requesting State, the testimony or evidence shall nonetheless be taken and the claim made known to the Central Authority of the Requesting State for resolution by the authorities of that State.

5. Documents, records, and any other articles of evidence produced in the Requested State pursuant to this Article or which are the subject of testimony taken under this Article shall be certified or authenticated in accordance with procedures specified in the request. If certified or authenticated in such manner, they shall be admissible in evidence as proof of the truth of the matters set forth therein in accordance with the laws of the Requesting State.

Article 9

Records of Government Agencies

1. The Requested State shall provide the Requesting State with copies of publicly available documents, records, or

information in the possession of government departments and agencies in the Requested State.

2. The Requested State may provide copies of any documents, records, or information which are in the possession of a government department or agency in that State but which are not publicly available, to the same extent and under the same conditions as it would be available to its own law enforcement or judicial authorities. The Requested State may in its discretion deny a request pursuant to this paragraph entirely or in part.

3. Documents, records and copies thereof produced pursuant to this Article shall be certified or authenticated in accordance with the procedures specified in the request. If certified or authenticated in such manner, they shall be admissible in evidence as proof of the truth of the matters set forth therein in accordance with the laws of the Requesting State.

Article 10

Testimony in the Requesting State

The Requested State shall invite a person in that State to appear before the appropriate authority in the Requesting State. The Requesting State shall indicate the extent to which the expenses will be paid. The Central Authority of the Requested State shall promptly inform the Central Authority of the Requesting State of the person's response.

Article 11

Transfer of Persons in Custody

1. A person in the custody of the Requested State whose presence in the Requesting State is needed for purposes of assistance under this Treaty shall be transferred from the Requested State for that purpose if both the person and the Central Authority of the Requested State consent to the transfer.

2. A person in the custody of the Requesting State whose presence in the Requested State is needed for purposes of assistance under this Treaty may be transferred to the Requested State if the person consents and if the Central Authorities of both States agree.

3. For purposes of this Article:

- a. the receiving State shall have the authority and the obligation to keep the person transferred in custody unless otherwise authorized by the sending State;
- b. the receiving State shall return the person transferred to the custody of the sending State as soon as circumstances permit or as otherwise agreed by both Central Authorities;
- c. the receiving State shall not require the sending State to initiate extradition proceedings for the return of the person transferred; and

d. the person transferred shall receive credit for service of the sentence imposed in the sending State for time served in the custody of the receiving State.

Article 12

Safe Conduct

1. A person present in the Requesting State pursuant to Articles 10 or 11 shall not be subject to service of process, or be detained, prosecuted or subjected to any restriction of personal liberty by reason of acts or convictions which preceded that person's departure from the Requested State.

2. The safe conduct provided for by this Article shall cease fifteen days after the Central Authority of the Requesting State has notified the Central Authority of the Requested State that the person's presence is no longer required, or if the person has left the Requesting State and voluntarily returned to it.

Article 13

Location or Identification of Persons or Items

The Requested State shall use its best efforts to ascertain the location or identity of persons or items specified in the request and believed to be in the Requested State.

Article 14

Service of Documents

1. The Requested State shall use its best efforts to effect service of any documents relating to or forming part of any request for assistance made by the Requesting State under the provisions of this Treaty.

2. Unless otherwise agreed, any request for the service of a document inviting the appearance of a person before an authority in the Requesting State must be received by the Central Authority of the Requested State not later than thirty days before the date set for any appearance.

3. The Requested State shall return a proof of service in the manner specified in the request.

Article 15

Search and Seizure

1. The Requested State shall execute a request for the search, seizure, and delivery of any item, including documents, records, or other articles of evidence, to the Requesting State if the request includes the information justifying such action under the laws of the Requested State.

2. Upon request, every official who has custody of a seized article shall certify, in accordance with procedures specified in the request, the continuity of custody, the

identity of the article, and the integrity of its condition. Such certification shall be admissible in evidence as proof of the truth of the matters set forth therein.

3. The Central Authority of the Requested State may require that the Requesting State agree to terms and conditions deemed necessary to protect third party interests in the item to be transferred.

Article 16

Return of Items

If required by the Central Authority of the Requested State, the Central Authority of the Requesting State shall return as soon as possible any documents, records, or articles of evidence furnished to it in execution of a request under this Treaty.

Article 17

Assistance in Forfeiture Proceedings

1. If the Central Authority of one Contracting Party becomes aware of fruits or instrumentalities of offenses which are located in the territory of the other Contracting Party and may be forfeitable or otherwise subject to seizure under the laws of that Contracting Party, it may so inform the Central Authority of the other Contracting Party. If that other

Contracting Party has jurisdiction in this regard, it may present this information to its authorities for a determination as to whether any action is appropriate. These authorities shall issue their decision in accordance with the laws of their country, and shall, through their Central Authority, report to the other Contracting Party on the action taken.

2. The Contracting Parties shall assist each other to the extent permitted by their respective laws in proceedings relating to the forfeiture of the fruits and instrumentalities of offenses. This may include action to restrain temporarily the disposition of the fruits or instrumentalities of offenses pending further proceedings.

3. A Requested State in control of forfeited proceeds or instrumentalities shall dispose of them in accordance with its law. To the extent permitted by its laws and upon such terms as it deems appropriate, either Contracting Party may transfer forfeited assets or the proceeds of their sale to the other Contracting Party.

Article 18

Compatibility with Other Treaties, Agreements or Arrangements

Assistance and procedures set forth in this Treaty shall not prevent either Contracting Party from granting assistance to the other Contracting Party through the provisions of other international agreements to which it may be a party, or through

the provisions of its national laws. The Contracting Parties may also provide assistance pursuant to any bilateral agreement, arrangement, or practice which may be applicable.

Article 19
Consultation

The Central Authorities of the Contracting Parties shall consult, at times mutually agreed to by them, to enable the most effective use to be made of this Treaty.

Article 20
Ratification, Entry into Force, and
Termination

1. This Treaty shall be subject to ratification, and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. This Treaty shall enter into force upon the exchange of instruments of ratification.

3. This Treaty shall apply to any requests presented after its entry into force even if the relevant acts or omissions occurred before that date.

4. Either Contracting Party may terminate this Treaty by means of written notice to the other Contracting Party. Termination shall take effect six months following the date of notification.

- 18 -

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Treaty.

DONE at Washington this twenty-third day of November 1993, in duplicate, in the English and Korean languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA

Warren Christopher

FOR THE REPUBLIC OF KOREA

한승주

ANNEX

Both Contracting Parties agree to provide assistance in investigations, prosecutions, and proceedings concerning the following categories of conduct without regard to whether the conduct which is the subject of the investigation, prosecution or proceeding would constitute an offense under the laws of the Requested State:

1. Illicit traffic in narcotic drugs and psychotropic substances, including but not limited to all offenses connected with, arising from, related to or resulting from any narcotics activity described in the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1972 Protocol Amending the Single Convention, or the 1988 United Nations Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
2. Racketeering activity, including, in the case of a request from the United States: (a) using income derived from a pattern of criminal activity to establish, operate, or acquire an interest in an enterprise engaged in or affecting interstate commerce; (b) acquiring or maintaining control of or an interest in such an enterprise through a pattern of criminal activity or collection of illegal debt; or (c) conducting or participating in the conduct of such an enterprise's affairs through a pattern of criminal activity or collection of unlawful debt; or, in the case of

a request from Korea, organizing or joining a group the purpose of which is the commission of a crime;

3. Money laundering, including (a) failing to make or causing another to fail to make to the Government a report which is required by law to be made in respect of a transfer of currency or other financial transaction; (b) converting, transferring, or receiving property knowing that such property is derived from a criminal offense, for the purpose of concealing or disguising the illicit origin of such property or of assisting any person involved in the commission of such offense to evade the legal consequences of his actions; or (c) concealing or disguising the true nature, source, location, disposition, or movement or ownership of property knowing that such property is derived from a criminal offense;

4. Any violent criminal activity described in the Convention for the Suppression of Unlawful Seizure of Aircraft (Hijacking) done at the Hague December 16, 1970; the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, done at Tokyo September 14, 1963; the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aircraft (Sabotage), done at Montreal September 23, 1971; the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, done at New York December 14, 1973; the International Convention Against the

Taking of Hostages, done at New York December 17, 1979; or in any other treaty or convention to which both States are parties and the purpose of which is to prevent or repress a specific category of offenses and which imposes an obligation to either extradite the offender or submit the matter to the competent authorities for decision as to prosecution;

5. Offense relating to the willful issuance of a bad (illicit) check, including the issuance of a check under a false name or without having made arrangements with a financial institution, or after transactions have been suspended by such an institution; and the willful failure to honor the check;

6. Fraud against the Government or against individuals, including behavior which has the effect of depriving the Government, its agencies, or its citizens of money, valuable property, or the ability to conduct their affairs free from false statements and deceit;

7. Fraudulent securities practices, including the use by any person of any means, directly or indirectly, in connection with the offer, purchase, or sale of any security: (a) to employ any device, scheme, or artifice to defraud; (b) to willfully make any misleading statement; or (c) to willfully engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person;

8. Insider trading, including the offer, purchase, or sale of securities by any person while in possession of material non-public information directly or indirectly relating to the securities offered, purchased, or sold, in breach of a legally binding duty or trust or confidence;

9. Foreign Corrupt Practices, including the corrupt offering, paying, or making of inducements to any foreign official or foreign political party, official thereof, or candidate for foreign political office to assist such person in obtaining or retaining business for himself or in directing business to any other person;

10. Tax evasion or fiscal fraud, including making a false statement, whether written or oral, or intentionally failing to make a report or declaration as required by law, to government authorities in matters concerning customs duties or taxes;

11. Environmental crimes, including conduct directed at the destruction, defacing, deterioration, or harming of the earth's environment;

12. Export control offenses, including conduct tending to evade the laws controlling the export of goods or arms;

13. Criminal exploitation of children, whether for sexual or other purposes, including commercial dealing in child pornography;

14. Offenses against bankruptcy laws;

15. Offenses against the laws relating to corporations or

companies, including offenses committed by officers, directors, and promoters;

16. Any offense against the laws relating to firearms, weapons, or explosives of any type;

17. Offenses against the laws relating to protection of intellectual property, copyrights, patents, or trademarks;

18. Offenses against the laws relating to immigration and nationality (including fraudulent acquisition or use of a passport or visa) and alien smuggling;

19. Offenses against the laws relating to the control of exportation or importation of goods of any type, or the international transfer of funds;

20. Offenses against the laws relating to prohibition of private monopolies or unfair business transactions or practices;

21. Offenses against the laws relating to the protection of computers or computer systems, computer data, or computer security (to include passwords or other related devices);

22. Offenses under multilateral international conventions binding on both Parties for which offenders must be prosecuted or extradited;

23. Any offense derived from conduct described in this Annex or subject to mutual assistance in accordance with this Treaty where United States federal jurisdiction is based upon interstate transport or use of the mails, telecommunications, or other interstate facilities;

24. Any attempt or conspiracy to commit, aiding or abetting, or participation as accessory after the fact to any offense derived from conduct described in this Annex or subject to mutual assistance in accordance with this Treaty;
25. Any offense under the law in the Requesting State which is connected with the commission of one or more offenses derived from the conduct described in this Annex or subject to mutual assistance in accordance with this Treaty; or
26. Such further offenses as may from time to time be agreed upon by exchange of diplomatic notes between the Contracting Parties.

DEPARTMENT OF STATE
WASHINGTON
November 23, 1993

Excellency,

I have the honor to refer to the Mutual Legal Assistance Treaty Between the United States of America and the Republic of Korea, signed at Washington on November 23, 1993, and in particular to express the understanding of the Government of the United States of America with respect to Articles 8(5) and 9(3) of the Treaty.

These two provisions state that evidence obtained under the Treaty should be authenticated in accordance with the procedures specified in the request, and if certified or authenticated in this manner, the evidence shall be admissible in evidence as proof of the matters stated therein in accordance with the laws of Requesting State.

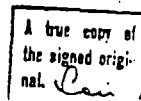
During the course of the negotiations, each side achieved a greater understanding and appreciation of the legal principles that are generally applied by the courts of the other in deciding issues dealing

His Excellency

Han Sung-Joo,

Minister of Foreign Affairs,

Republic of Korea.



*Office of Treaty Affairs
Department of State*

with the admission into evidence of various types of records made or maintained in the course of a regularly conducted business activity or by an official government agency in reference to matters entrusted to it by law.

Taking appropriate account of the applicable domestic laws of both Contracting Parties as to admissibility of such documentary evidence, and recognizing that the establishment of uniform procedures for certifying or authenticating evidence that has been secured under the Treaty will enhance the likelihood that such evidence will ultimately be accepted by the courts, representatives of the Korean Ministry of Justice and United States Department of Justice who participated in the negotiation of the Treaty have jointly developed three certificate forms which are attached to this Note.

United States requests for copies of business records under Article 8(5) of the Treaty will be authenticated by use of the Certificate of Authenticity of Business Records attached to this Note as Form A-1. Similarly, Korean requests for copies of business records will be authenticated by use of the Certificate of Authenticity of Business Records attached to this Note as Form A-2. Requests for copies of foreign public documents by either party will be authenticated under Article 9(3) by use

of the form entitled Attestation of Authenticity of Foreign Public Documents, attached to this Note as Form B.

I would appreciate a Note from Your Excellency confirming that the understanding described above is also the understanding of the Government of the Republic of Korea. If that is the case, this Note and Your Excellency's reply will constitute an agreement between our respective Governments on this matter, which shall enter into force at the same time the Treaty enters into force.

Accept, Excellency, the assurances of my highest consideration.

Warren Christopher

Attachments:

- 1 - Form A-1
- 2 - Form A-2
- 3 - Form B

FORM A-1

(For United States Requests)

CERTIFICATE OF AUTHENTICITY OF
BUSINESS RECORDS

I, _____, attest on

(name)

penalty of criminal punishment for false statement or
false attestation that I am employed

by _____

(Name of Business from which documents are sought)

and that my official title is _____.

I further state that each of the records attached
hereto is the original or a duplicate of the original
records in the custody of

(Name of Business from which documents are sought)

I further state:

A) such records were made, at or near
the time of the occurrence of the matters set forth,
by (or from information transmitted by) a person with
knowledge of these matters;

B) such records were kept in the course
of a regularly conducted business activity;

C) the business activity made such
records as a regular practice; and

D) if such record is not the original,

such record is a duplicate of the original.

Signature

Date

Sworn to or affirmed before

me, _____.

(Name)

a _____

(position of person authorized to administer oaths)

this _____ day of _____, _____.

(Signature)

FORM A-2

(For Korean Requests)

CERTIFICATE OF AUTHENTICITY OF
BUSINESS RECORDS

I, _____, attest on

(name)

penalty of criminal punishment for false statement or
false attestation that I am employed

by _____ and that my official
title is _____.

I further state that each of the documents or records
attached hereto is the original or a duplicate of the
original documents or records in the custody of

(Name of Business from which documents are sought)

I further state that such documents or records were
made, at or near the time of the occurrence of the
matters set forth, by (or from information
transmitted by) a person with knowledge of those
matters and that if such document or record is not
the original, such document or record is a duplicate
of the original.

Signature

Date

Sworn to or affirmed before

me, _____,

(Name)

8 _____

(notary public, judicial officer, etc.)

this _____ day of _____.

(Signature)

FORM B

ATTESTATION OF AUTHENTICITY OF
FOREIGN PUBLIC DOCUMENTS

I, _____,

(name)

attest on penalty of criminal punishment for false
statement or attestation that my position with the
Government of _____

(country)

is _____ and that

(official title)

in that position I am authorized by the law
of _____ to attest that

(country)

the documents attached and described below are true
and accurate copies of original official records
which are recorded or filed

in _____

(Name of office or Agency)

which is a government office or agency
of _____.

(Country)

Description of Document(s):

(Signature)

(Title)

(Date)

November 23, 1993

Excellency,

I have the honor to acknowledge the receipt of Your Note dated November 23, 1993 which reads as follows:

"Excellency,

I have the honor to refer to the Mutual Legal Assistance Treaty Between the United States of America and the Republic of Korea, signed at Washington on November 23, 1993, and in particular to express the understanding of the Government of the United States of America with respect to Articles 8(5) and 9(3) of the Treaty.

These two provisions state that evidence obtained under the Treaty should be authenticated in accordance with the procedures specified in the request, and if certified or authenticated in this manner, the evidence shall be admissible in evidence as proof of the matters stated therein in accordance with the laws of Requesting State.

During the course of the negotiations, each side achieved a greater understanding and appreciation of the legal principles that are generally applied by the courts of the other in deciding issues dealing

His Excellency

Warren Christopher,

Secretary of State,

United States of America.

with the admission into evidence of various types of records made or maintained in the course of a regularly conducted business activity or by an official government agency in reference to matters entrusted to it by law.

Taking appropriate account of the applicable domestic laws of both Contracting Parties as to admissibility of such documentary evidence, and recognizing that the establishment of uniform procedures for certifying or authenticating evidence that has been secured under the Treaty will enhance the likelihood that such evidence will ultimately be accepted by the courts, representatives of the Korean Ministry of Justice and United States Department of Justice who participated in the negotiation of the Treaty have jointly developed three certificate forms which are attached to this Note.

United States requests for copies of business records under Article 8(5) of the Treaty will be authenticated by use of the Certificate of Authenticity of Business Records attached to this Note as Form A-1. Similarly, Korean requests for copies of business records will be authenticated by use of the Certificate of Authenticity of Business Records attached to this Note as Form A-2. Requests for copies of foreign public documents by either party will be authenticated under Article 9(3) by use

of the form entitled Attestation of Authenticity of Foreign Public Documents, attached to this Note as Form B.

I would appreciate a Note from Your Excellency confirming that the understanding described above is also the understanding of the Government of the Republic of Korea. If that is the case, this Note and Your Excellency's reply will constitute an agreement between our respective Governments on this matter, which shall enter into force at the same time the Treaty enters into force.

Accept, Excellency, the assurances of my highest consideration.

Attachments:

- 1 - Form A-1
- 2 - Form A-2
- 3 - Form B

FORM A-1

(For United States Requests)

CERTIFICATE OF AUTHENTICITY OF
BUSINESS RECORDS

I, _____, attest on
(name)

penalty of criminal punishment for false statement or
false attestation that I am employed

by _____

(Name of Business from which documents are sought)
and that my official title is _____.
I further state that each of the records attached
hereto is the original or a duplicate of the original
records in the custody of

(Name of Business from which documents are sought)
I further state:

A) such records were made, at or near
the time of the occurrence of the matters set forth,
by (or from information transmitted by) a person with
knowledge of these matters;

B) such records were kept in the course
of a regularly conducted business activity;

C) the business activity made such
records as a regular practice; and

D) if such record is not the original,

such record is a duplicate of the original.

Signature Date

Sworn to or affirmed before

me, _____.

(Name)

a _____

(position of person authorized to administer oaths)

this _____ day of _____, _____.

(Signature)

FORM A-2

(For Korean Requests)

CERTIFICATE OF AUTHENTICITY OF
BUSINESS RECORDS

I, _____, attest on

(name)

penalty of criminal punishment for false statement or
false attestation that I am employed

by _____ and that my official
title is _____.

I further state that each of the documents or records
attached hereto is the original or a duplicate of the
original documents or records in the custody of

(Name of Business from which documents are sought)

I further state that such documents or records were
made, at or near the time of the occurrence of the
matters set forth, by (or from information
transmitted by) a person with knowledge of those
matters and that if such document or record is not
the original, such document or record is a duplicate
of the original.

Signature

Date

Sworn to or affirmed before

me, _____,

(Name)

a _____
(notary public, judicial officer, etc.)

this _____ day of _____, ____.

(Signature)

FORM B
ATTESTATION OF AUTHENTICITY OF
FOREIGN PUBLIC DOCUMENTS

I, _____,

(name)

attest on penalty of criminal punishment for false
statement or attestation that my position with the
Government of _____

(country)

is _____ and that

(official title)

in that position I am authorized by the law
of _____ to attest that

(country)

the documents attached and described below are true
and accurate copies of original official records
which are recorded or filed

in _____

(Name of office or Agency)

which is a government office or agency

of _____.

(Country)

Description of Document(s):

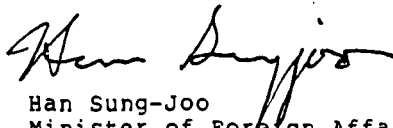
(Signature)

(Title)

(Date)

I have the honor to confirm that the understanding set forth in your Note accords with that of the Government of the Republic of Korea.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

A handwritten signature in dark ink, appearing to read 'Han Sung-Joo', is positioned above the printed name and title.

Han Sung-Joo
Minister of Foreign Affairs
Republic of Korea

 *** ACTIVITY REPORT ***

TRANSMISSION OK

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 CONNECTION ID
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 RESULT OK

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**Talking Points for Defense Department's Role
 in Implementing the US-DPRK Agreed Framework
 by Purchasing Heavy Residual Fuel Oil**

December 9, 1994

*CL: AOK
 SUTINGER
 DANVERS
 G. ADAMS
 JAMIE BAILEY
 For clearance
 by 4 pm.*

- Following several confrontations with North Korea over its non-compliance with the Nuclear Non-proliferation Treaty and International Atomic Energy Agency safeguards in 1993 and early 1994, the UN Security Council requested the United States open bilateral dialogue with the Democratic Peoples Republic of Korea (DPRK) to attempt to resolve the nuclear issue.
- On October 21, 1994, negotiators for the US and the DPRK signed an Agreed Framework in Geneva designed to halt and eventually dismantle the DPRK's nuclear weapons program to ensure in the long run a nuclear free Korean Peninsula. In exchange for dismantling its program, the DPRK will receive more proliferation-resistant light water reactor technology.
- The Agreed Framework was approved by President Clinton for the US, and Kim Chong-il, for the DPRK. The freeze and dismantlement of the DPRK nuclear program will be monitored by the IAEA.
- The agreement also creates a framework for dealing with past problems relating to discrepancies in the amount of plutonium declared by the DPRK to the IAEA under its safeguards agreement.
- It is important to note that there are trigger mechanisms built into the framework so that the U.S. can stop fulfilling its responsibilities at any time if the DPRK is not in compliance with the agreement.
- To implement the Agreed Framework, both the US and the DPRK are required to take immediate actions with specific milestones for follow-on actions throughout the 10-to-14 year duration of the framework.

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	4442
CONNECTION TEL	93017625422
CONNECTION ID	
START TIME	12/12 15:59
USAGE TIME	00'58
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RESULT	OK

equal to the thermal output of the three nuclear reactors, a total of 255MW(e) or 3.5% of North Korea's present electrical generation capacity.

- Within three months of signing the framework, the US agreed to supply an initial tranche of 50 thousand metric tons of heavy residual fuel oil to compensate for the DPRK freezing and not refueling its 5MW(e) experimental reactor. This fuel oil will be used for both electrical power generation and heating following delivery in Jan 95.
- The Department of Defense has agreed to arrange and pay for delivery of the first tranche under the authority of 10 US Code 127, Emergency and Extraordinary Expenses, both to meet the agreed ninety-day deadline and provide incentive for DPRK compliance with the nuclear non-proliferation incentives of the framework.
- Under the provisions of 10 U.S.C. 127, the Secretary of Defense and Secretaries of the Military Departments are authorized to use operations and maintenance funds up to a limit specified in the annual DoD Appropriations Act for "any emergency or extraordinary expense which cannot be anticipated or classified."
- While US economic sanctions under the Trading with the Enemies Act prohibit all trade with North Korea, including the sale of fuel, the provision of 50Kmt of heavy fuel oil is a specific exception and does not alter the on-going embargo.
- The advantage of heavy residual fuel oil (HFO), over crude and other refined petroleum products, is that there is very little high-fraction fuel, such as gasoline, diesel, and kerosene, which can be extracted. Commonly called 'Bunker C', heavy residual fuel oil can be used to fire boilers, but not as motor fuel for vehicles or military hardware.
- The first tranche of 50Kmt of HFO will be delivered to the idle, oil-fired power plant in Sonbong, North Korea, where it will be used to produce electricity for Namjin Province and thermal heat for the surrounding villages. The total cost to DoD will be approximately \$4.7M including delivery. CALTEX's ROK subsidiary, Honam Oil Co., was the low bidder in an international solicitation to contract for the fuel.

CL: ADM 1

SUTTINGER

DANVERIS

G. ADAMS

JAMIE BAKER

In clearance

by 9 pm

**Talking Points for Defense Department's Role
in Implementing the US-DPRK Agreed Framework
by Purchasing Heavy Residual Fuel Oil**

December 9, 1994

- Following several confrontations with North Korea over its non-compliance with the Nuclear Non-proliferation Treaty and International Atomic Energy Agency safeguards in 1993 and early 1994, the UN Security Council requested the United States open bilateral dialogue with the Democratic Peoples Republic of Korea (DPRK) to attempt to resolve the nuclear issue.
- On October 21, 1994, negotiators for the US and the DPRK signed an Agreed Framework in Geneva designed to halt and eventually dismantle the DPRK's nuclear weapons program to ensure in the long run a nuclear free Korean Peninsula. In exchange for dismantling its program, the DPRK will receive more proliferation-resistant light water reactor technology.
- The Agreed Framework was approved by President Clinton for the US, and Kim Chong-il, for the DPRK. The freeze and dismantlement of the DPRK nuclear program will be monitored by the IAEA.
- The agreement also creates a framework for dealing with past problems relating to discrepancies in the amount of plutonium declared by the DPRK to the IAEA under its safeguards agreement.
- It is important to note that there are trigger mechanisms built into the framework so that the U.S. can stop fulfilling its responsibilities at any time if the DPRK is not in compliance with the agreement.
- To implement the Agreed Framework, both the US and the DPRK are required to take immediate actions with specific milestones for follow-on actions throughout the 10-to-14 year duration of the framework.
- The most important immediate action for the DPRK was to freeze its nuclear program, under IAEA supervision, including the 5MW(e) experimental reactor, the 50MW(e) and the 200MW(e) under construction, radio-chemical lab used for reprocessing spent nuclear fuel into plutonium, and other associated facilities. The Director General of the IAEA reports good cooperation and compliance with the freeze by the DPRK.
- Immediate actions for the US include arranging financing and contracting for the construction of two 1000MW(e) Light Water Reactors in the DPRK, movement toward normalization of relations with North Korea, and supplying alternate energy to make up for the loss of power and thermal heat from the graphite-moderated reactors.
- As alternate energy for the loss of electrical power and thermal heat from the DPRK's reactors, the US agreed to arrange for shipments of heavy residual fuel oil in amounts

equal to the thermal output of the three nuclear reactors, a total of 255MW(e) or 3.5% of North Korea's present electrical generation capacity.

- Within three months of signing the framework, the US agreed to supply an initial tranche of 50 thousand metric tons of heavy residual fuel oil to compensate for the DPRK freezing and not refueling its 5MW(e) experimental reactor. This fuel oil will be used for both electrical power generation and heating following delivery in Jan 95.
- The Department of Defense has agreed to arrange and pay for delivery of the first tranche under the authority of 10 US Code 127, Emergency and Extraordinary Expenses, both to meet the agreed ninety-day deadline and provide incentive for DPRK compliance with the nuclear non-proliferation incentives of the framework.
- Under the provisions of 10 U.S.C. 127, the Secretary of Defense and Secretaries of the Military Departments are authorized to use operations and maintenance funds up to a limit specified in the annual DoD Appropriations Act for "any emergency or extraordinary expense which cannot be anticipated or classified."
- While US economic sanctions under the Trading with the Enemies Act prohibit all trade with North Korea, including the sale of fuel, the provision of 50Kmt of heavy fuel oil is a specific exception and does not alter the on-going embargo.
- The advantage of heavy residual fuel oil (HFO), over crude and other refined petroleum products, is that there is very little high-fraction fuel, such as gasoline, diesel, and kerosene, which can be extracted. Commonly called 'Bunker C', heavy residual fuel oil can be used to fire boilers, but not as motor fuel for vehicles or military hardware.
- The first tranche of 50Kmt of HFO will be delivered to the idle, oil-fired power plant in Sonbong, North Korea, where it will be used to produce electricity for Namjin Province and thermal heat for the surrounding villages. The total cost to DoD will be approximately \$4.7M including delivery. CALTEX's ROK subsidiary, Honam Oil Co., was the low bidder in an international solicitation to contract for the fuel.
- The second tranche agreed to in the framework is 100Kmt of HFO as alternate energy for both the 5 and 50MW(e) reactors. It is scheduled for delivery in October, 1995 and will be paid for by a multi-national consortium under the leadership of the US, Japan, and the Republic of Korea. Other countries have agreed to help fund the cost of this alternate energy as well as follow-on deliveries until the first LWR is on-line.
- The third tranche provided under the framework is 500Kmt of HFO to compensate for the total 255MW(e) electrical capacity of all three nuclear reactors under the freeze. First delivery will be in October 1996 and paid for by the consortium. Deliveries will continue annually until the first LWR is on-line providing electricity to the DPRK.

Taiwan International Alliance

330 E. 38th St., Suite 17B, NY, NY 10016

Tel: (212) 983-0480 Fax: (212) 983-1097

PRESS RELEASE

December 12, 1994

CONTACT: JoAnn C. Fan, Taiwan International Alliance; 212.983.0480**TAIWANESE DEMOCRACY IS HERE TO STAY**

The recent elections held on December 3rd proved that Taiwan has indeed joined the ranks of democratic nations. For the first time ever the governor of Taiwan was determined by popular election. In the past this and other important executive positions were filled by KMT appointees. The mayoral elections in Taipei, the nation's capital, and in the large, southern port city Kaohsiung were the first held in thirty years.

The results are viewed with mixed sentiment by all participants. The election of Democratic Progressive Party's Chen Shui-bian as the mayor of Taipei marked the first time a member of an opposition party has gained access to the ranks of Taiwan's decision-making elite. Due to Taipei's special status as the nation's capital and a special municipality, this grants him unprecedented influence over national policy including the right to attend Cabinet meetings. As a member of Taiwan's largest opposition party, the Democratic Progressive Party (DPP), Chen Shui-bian is expected to play an important balancing role in the nation's high executive body.

The KMT Party, which has for decades held a monopoly on power and political discourse, managed to hang on in the Taiwan gubernatorial race and the Kaohsiung mayoral election, but its candidate for mayor in Taipei finished an embarrassing third behind the New Party candidate, Jaw Shau-Kong. Moreover the KMT's number of seats decreased in the Provincial Assembly, and the Taipei and Kaohsiung city councils by 11, 38, and 17 percent respectively.

To accompany its stunning victory in the Taipei mayoral contest, the Democratic Progressive Party (DPP) increased its seats in the Provincial Assembly by seven, its seats in the Taipei City Council by four, and in the Kaohsiung City Council by three. Many prominent DPP leaders, however, were disappointed with the Party's showing, hoping for a closer vote between the DPP and KMT gubernatorial candidates and larger gains in the Provincial Assembly and City Councils.

The impressive showing made by the New Party (NP) marked the emergence of a dynamic new force in Taiwanese politics. Located to the right of the KMT, the NP is primarily composed of former KMT members who opposed the direction the KMT has taken under the leadership of President Lee. The NP platform criticizes the current KMT leadership as having become too moderate and possessing a secret agenda of Taiwan independence. Although it was the NP's first election ever, it finished second in the Taipei

mayoral race, seized 11 seats in the Taipei city council, and took 2 seats in both the Provincial Assembly and Kaohsiung and city council elections. Yet due to its recent and tumultuous entry into the political scene, many analysts have expressed the doubt that the NP has the leadership and resources to continue to be a viable option in future elections.

The results of the December 3rd elections made it clear that Taiwan's increasingly demanding electorate not only expects change, but believes in taking part in the democratic process. Voter participation was greater than 75 percent. The rising strength of the opposition from both sides of Taiwan's political spectrum has made further reform by the KMT a necessity to avoid a potential disaster in next year's parliamentary election. No party can take its present position for granted. Success in elections of the future will be determined by each party's ability to meet the demands of electorate characterized by increasing demands and expectations. It is now apparent that the actors in Taiwanese politics can only be certain of one thing. Democracy in Taiwan is here to stay.