

FOIA MARKER

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Folder Title:

North Korea, 1993-95 [7]

Staff Office-Individual:

Nonproliferation and Export Controls-Aoki, Steven

Original OA/ID Number:

281

Row:	Section:	Shelf:	Position:	Stack:
41	5	4	3	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re ROK FM consultations (2 pages)	03/22/1993	P1/b(1)
002. report	re IAEA developments (2 pages)	00/00/1993	P1/b(1)
003. cable	re talking points for visit (4 pages)	03/22/1993	P1/b(1)
004. cable	re ROK FM consultations (3 pages)	03/22/1993	P1/b(1)
005. cable	re Chinese guidance (4 pages)	03/19/1993	P1/b(1)
006. cable	re proposed strategy (6 pages)	03/19/1963	P1/b(1)
007. cable	re meeting North Korean concerns (5 pages)	03/22/1963	P1/b(1)
008. cable	re IAEA resolution (4 pages)	03/18/1963	P1/b(1)
009a. fax	cover re discussion paper (1 page)	03/17/1993	P1/b(1)
009b. paper	re discussion for deputies' meeting (7 pages)	03/17/1993	P1/b(1)
010. cable	re response to North Korea (3 pages)	03/18/1993	P1/b(1)
011. cable	re draft resolution (4 pages)	03/15/1993	P1/b(1)
012. cable	re meeting with North Korea (2 pages)	03/15/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F

kc1538

RESTRICTION CODES

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

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

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.

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]

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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]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. cable	re response to announcement (4 pages)	03/15/1993	P1/b(1)
014. cable	re demarche (3 pages)	03/15/1993	P1/b(1)
015. cable	re meeting instructions (3 pages)	03/15/1993	P1/b(1)
016. cable	re depositories meeting (2 pages)	03/15/1993	P1/b(1)
017. cable	re North Korea (2 pages)	03/15/1993	P1/b(1)
018. cable	re North Korea (3 pages)	03/15/1993	P1/b(1)
019. cable	re North Korean withdrawal (2 pages)	03/15/1993	P1/b(1)
020. cable	re meeting (2 pages)	03/15/1993	P1/b(1)
021. cable	re Chinese government (5 pages)	04/14/1993	P1/b(1)

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National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
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RESTRICTION CODES

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Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
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RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. cable	re ROK FM consultations (3 pages)	03/22/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
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RESTRICTION CODES

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

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. cable	re Chinese guidance (4 pages)	03/19/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. cable	re proposed strategy (6 pages)	03/19/1963	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
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RESTRICTION CODES

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007. cable	re meeting North Korean concerns (5 pages)	03/22/1963	P1/b(1)

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009a. fax	cover re discussion paper (1 page)	03/17/1993	P1/b(1)

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United States Department of State

Washington, D.C. 20520

DRAFT

MEMORANDUM FOR WILLIAM H. ITOH
EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCIL

SUBJECT: Legal Issues Raised by North Korean Withdrawal
From the Nuclear Non-Proliferation Treaty

The attached paper, as requested by National Security Council staff, discusses legal issues raised by North Korea's announcement that it intends to withdraw from the Nuclear Non-Proliferation Treaty.

Marc Grossman
Executive Secretary

DRAFT

LEGAL ISSUES RAISED BY NORTH KOREA'S ANNOUNCEMENT CONCERNING WITHDRAWAL FROM THE NPT

The following is a preliminary discussion of the legal issues raised by the DPRK's announcement that it intends to withdraw from the NPT:

-- Article X(1) of the NPT provides for withdrawal as follows:

Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Grounds for Withdrawal

-- The language of this provision is drawn primarily from the Limited Test Ban Treaty. The withdrawal clause in the LTBT was a compromise between the U.S. desire to list specific, treaty-related grounds for withdrawal and the Soviet view that the right to withdraw is inherent in sovereignty. The U.S. succeeded in limiting extraordinary events to those "related to the subject matter of" the LTBT.

-- While the extraordinary events justifying withdrawal must be "related to the subject matter of" the NPT, this issue is left to the judgment of the withdrawing party. (The DPRK statement concerning withdrawal alleges that Operation Team Spirit is a nuclear war exercise and that recent IAEA inspection efforts have been aimed at sensitive, nonnuclear military facilities. It argues that these events jeopardize its supreme national interest.)

Withdrawal Procedures

-- The DPRK must provide notice of withdrawal and a statement of the extraordinary events justifying its action to all parties to the treaty and to the U.N. Security Council. These procedures were intentionally designed to provide the withdrawing party an opportunity to reconsider its action, as well as an opportunity for consultations and an explicit role for the U.N.

- The DPRK's submission to the Security Council on March 12 partially satisfies the notice requirement.

-2-

- Notice to the parties should be provided in writing. The negotiators of the NPT rejected a proposal that would have substituted notice to the depositaries for notice to the parties. Accordingly, we could argue that each of the more than 150 parties to the NPT must be notified directly.
- In any case, withdrawal will not be effective until three months after all the parties and the Security Council have been notified.

Effect of NPT Withdrawal on the IAEA-DPRK Safeguards Agreement

-- Article III(1) of the NPT requires fullscope safeguards for parties that are nonnuclear weapon states (NNWS).

-- The safeguards agreement between the DPRK and the IAEA provides that it shall "remain in force as long as the [DPRK] is party to the [NPT]."

* (-- Thus, the DPRK's obligations under both the NPT and the safeguards agreement continue until its withdrawal from the NPT is effective.

DPRK Noncompliance with NPT and Safeguards Agreement

-- If the DPRK were found to be concealing nuclear weapons manufacturing activities that occurred after 1985, it would be in violation of article II of the NPT (the basic obligation of nonnuclear-weapon states not to acquire or seek to acquire nuclear weapons).

-- The IAEA may soon find that the DPRK has materially violated its NPT safeguards agreement with the IAEA. Such a violation would in turn constitute a violation of its obligation under NPT article III(1) to accept safeguards as set forth in an IAEA safeguards agreement.

- In February, the IAEA Board of Governors gave the DPRK 30 days to comply with the Director General's request for special inspection of a suspected nuclear waste storage site. (Special inspections are authorized for facilities that were not declared to the IAEA as nuclear facilities.) The 30 days will expire approximately March 25.
- The DPRK has so far refused the special inspection on the grounds that the facility is nonnuclear, but militarily sensitive.
- The DPRK refusal to allow the inspection, which is likely to continue, will provide a basis for the Board to report

-3-

to "all [IAEA] members and to the Security Council and General Assembly of the United Nations" that the DPRK is not in compliance with its safeguards agreement (Note: The DPRK has already admitted to actions that violated an earlier, non-NPT safeguards agreement -- specifically, removing safeguarded spent fuel from a Soviet-supplied reactor for reprocessing.)

- This decision by the 35-member Board of Governors may be the first multilateral decision concerning the DPRK's recent actions. The Board's decision would be by majority vote. The current members of the Board are:

United States	South Korea	Canada
United Kingdom	North Korea	Australia
Russia	Sweden	Norway
China	Japan	Romania
France	Argentina	Finland
India	Germany	Greece
Pakistan	Mexico	Hungary
Syria	Nigeria	Brazil
Paraguay	Algeria	Bulgaria
Indonesia	Saudi Arabia	Spain
Zaire	Egypt	Chile
Thailand	Ecuador	

Sanctions in the UNSC

-- The U.N. Security Council (UNSC) could impose mandatory economic sanctions (or recommend nonbinding sanctions) under Chapter VII of the U.N. Charter if it determined that the DPRK's actions constitute a threat to international peace and security.

-- Such a determination might be based on an overall evaluation of DPRK actions, including: violations of (and withdrawal from) the NPT; noncompliance with its NPT safeguards agreement with the IAEA; and continuation of a suspected clandestine nuclear weapons program.

- The DPRK's withdrawal from the NPT is not unlawful and it is unlikely that most Security Council members would consider such action, in and of itself, to be a basis for mandatory sanctions. It might, however, be seen as one indication that North Korea is engaging in activities that threaten the peace.
- The DPRK's violations of the NPT and the safeguards agreement are (or will soon be) unambiguous. However, it would be difficult to establish that such violations per se constitute a threat to international peace and security.

-4-

- The Security Council might, however, make such a determination in this case if it were to conclude that these NPT and safeguards violations resulted from DPRK's efforts to shield nuclear weapons activities.
- On the other hand, although a DPRK nuclear weapons program might provide the primary justification for imposing mandatory sanctions, some UNSC members may be unwilling to impose sanctions based solely on such a program. (Pakistan has a nuclear weapons program and would likely oppose sanctions on that basis alone. Pakistan will be president of the Security Council in April.) Accordingly, a case for sanctions would have to be based on the cumulative effect of the DPRK's activities.

NPT Status of UNSC Members

-- The following UNSC members are parties to the NPT: the Perm Five plus Cape Verde, Hungary, Japan, Morocco, New Zealand, Spain, and Venezuela.

-- The following are not parties to the NPT: Djibouti and Pakistan.

-- Brazil is not a party to the NPT, but recently announced that it is bringing into force (for Brazil) the Treaty of Tlatelolco. (This treaty seeks to create a nuclear weapons free zone in Latin America. It imposes obligations on its parties comparable to those in the NPT. The U.S. and other states treat parties to the Treaty of Tlatelolco the same as parties to the NPT.)

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. cable	re draft resolution (4 pages)	03/15/1993	P1/b(1)

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National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F

kc1538

RESTRICTION CODES

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WASHINGTON, D.C. 20451****ACDA/NP/INA**

DATE: 3-17-93

TO: Mr. Steve Hoki (395-4564)

UNCLASSIFIED FAX #: 395-1185

FROM: Daniel Rosenthal, 697-9326

UNCLASSIFIED FAX #: 202-736-4336

1701

PAGE ONE OF 1

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SENT BY: UNVIE/IAEA

17- 3-93 ; 5:00PM ;

US MISSION-

202 736 4336;# 2/ 3

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PRESERVATIONMr. Miller

From: The Legal Adviser

Date: 15 March 1993

cc: Sir T Daunt
Sir J Coles
Mr Hum
Heads of:
NPDD
FED
UND
News Dept
Mr Aust/Miss Brooks
Mr Grainger - o.r.

Mr Lever

NON-PROLIFERATION TREATY: PURPORTED WITHDRAWAL BY THE DPRK

1. I am concerned that, in our response to the North Korean notification, we should not find ourselves leaning too far in their direction on the specifically legal front. I asked Mr Wood in New York over the weekend to have a care that any Security Council statement or resolution calling for a withdrawal of the North Korean notice, did not do so in terms which implied that the notice was in itself valid.

2. One grants from the outset that Article X(1) of the NPT is drafted in pretty subjective terms. The complex negotiating history will doubtless show that this was conscious and deliberate. Nevertheless, a purely subjective withdrawal clause would simply say that a Party may withdraw on three months notice. This is not what Article X(1) says. What it says is that a Party may so withdraw if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardised the supreme interests of its country" (the difference being underscored by the requirement in the final sentence to include a statement of the extraordinary events which are regarded as having jeopardised its supreme interests). An international tribunal, confronted with the interpretation of this withdrawal clause, would be bound to give weight to the difference, and to consider what rights are conferred on the other Parties by the incorporation of the condition in the clause. One perfectly possible reading of it is that the word "decides" relates to the jeopardising of supreme interests (because this is something which in the last resort only the State itself can weigh) but that the same subjective element does not attach to the remainder of the condition.

3. This approach would make the case rest in the first instance on the "extraordinary events, related to the subject matter of this Treaty". It would have to be shown, on a

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reasonably objective standard, that such events had taken place before any question of supreme interests arises. And as to that, it seems to me incontestable that IAEA inspections are not "extraordinary events", since they are both foreseeable under Article III and provided for in a safeguards agreement between the DPRK and the IAEA. Conversely, the US/ROK military manoeuvres, although they may arguably be extraordinary events, can only with difficulty be construed as "related to the subject matter of this Treaty". The conclusion seems to be that there is a real question as to whether the North Korean notice represents a valid notice of withdrawal and that this is a question in which the other Parties at least have a say.

4. I mention the above because, if the next step is likely to be to move towards sanctions, we would obviously be on better ground if there was some doubt about the soundness of the North Korean legal position. The Security Council could not act on the basis of an implicit proposition that States once in the NPT may not come out of it (that would be unsustainable on the terms of the Treaty itself); nor that there was some overriding duty for particular states to become and remain Parties to the NPT. Alternative bases for Security Council action would, or might exist, namely:

a) a refusal to permit the IAEA to carry out its functions during the three-month period that would in any event have to elapse before a withdrawal from the Treaty took effect (and the Safeguards Agreement terminated);

b) the general and overriding power of the Security Council to take action for the maintenance or restoration of international peace and security, if the circumstances of a withdrawal gave rise to good grounds for believing that international peace and security was threatened.

← b) above is what Article X(1) itself seems to foreshadow with its requirement that the Security Council be notified. Nevertheless, I have no doubt that the diplomatic and political position would be stronger if we could prevent the idea gaining ground that the North Koreans have a trump card. This argues for keeping options open - at least while we do further research into the negotiation of Article X (now in hand), and possibly thereafter as well.*

F D Berman

* especially if the aim is to draw N. Korea back from the brink (Washington Times 566).

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WASHINGTON, D.C. 20451

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TO: NSC - Steve Aoki (395-4564)

UNCLASSIFIED FAX #: 395-1185

FROM: Michael Rosenthal, 647-7326

UNCLASSIFIED FAX #: 202-736-4336

MESSAGE:

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BRIEFING MEMORANDUM

CC: NIA

UNITED STATES ARMS CONTROL
AND DISARMAMENT AGENCY

93 MAR 16 15:17 1993

MEMORANDUM

OFFICE OF THE DIRECTOR

TO: The Acting Director

FROM: GC - Mary Elizabeth Hoinkes, Acting *MEH/dmw*

SUBJECT: North Korean Withdrawal from the NPT

QUESTIONS PRESENTED

- (1) Is North Korea's statement to the U.N. Security Council announcing its withdrawal from the NPT an invocation of the NPT's supreme interests clause?
- (2) If the statement is an attempt to invoke the supreme interests clause, then what, if any, procedures are therefore required of North Korea?
- (3) What might be the impact of North Korea's announcement on other treaties?

ANSWER AND DISCUSSION

- (1) Is North Korea's statement to the U.N. Security Council announcing its withdrawal from the NPT an invocation of the NPT's supreme interests clause?

North Korea's statement to the President of the United Nations Security Council is an attempt to invoke the NPT's supreme interests clause contained in Article X. Article X specifically provides that "each party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized its supreme interests." The statement declares that the North Korean government "decided on March 12, 1993 to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in accordance with paragraph 1 of the Article X of the NPT, in connection with the extraordinary situation prevailing in

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the DPRK, which jeopardizes its supreme interests." Furthermore, in apparent reference to the "extraordinary situation," the statement mentions the "Team Spirit" joint military exercises and an "unjust" resolution at an IAEA meeting. Since the North Koreans describe the events they regard as having jeopardized their supreme interests and formally cite Article X of the NPT, the statement to the Security Council is clearly an attempt to activate the NPT's formal withdrawal mechanism.

There is little likelihood that North Korea's justification would itself be deemed insufficient. Although the principle of pacta sunt servanda imposes a good faith obligation on all treaty related activity, the existence and nature of the extraordinary event is left to the decision of the withdrawing Party. Absent bad faith, any state has wide leeway in determining its supreme interests.

- (2) If the statement is an attempt to invoke the supreme interests clause, then what, if any, procedures are therefore required of North Korea?

Article X of the Treaty sets forth specific procedures applicable to the right of withdrawal. They are: (i) that the right be contingent upon a party's decision that "extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interests of its country"; (ii) that the party give notice to all other Parties and to the U.N. Security Council; (iii) that such notice include a statement of the extraordinary events, and; (iv) that the notification of withdrawal be given three months in advance.

Several questions are raised by these requirements. The first is whether the withdrawing Party must notify each NPT Party individually or merely the Depositary States. In Mohamed I. Shaker's commentary on the NPT, it is pointed out that a proposal to give notice to only the Depositary Governments was rejected during NPT negotiations. It is likely, therefore, that North Korea is obligated to provide formal notice to all Parties.

The second question is when the three month period begins. The negotiating record appears silent on this question. However, it seems reasonable to conclude that if all Parties must be notified, the time period could only begin once notification of all parties and the Security Council were completed.

The next question is whether any action can "toll" the time period. First, it is clear that North Korea's notification is not subject to review per se by other Parties of the U.N. Security Council. However, pursuant to paragraph 3 of

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Article 65 of the Vienna Convention of 1969 on the Law of Treaties, any other Party may raise an objection before the three month post-notification period ends. Although North Korea is neither party nor signatory to the Convention, the procedures set forth therein are arguably applicable to North Korea because the Convention is generally recognized as an expression of customary international law. If objection is raised under the Vienna Convention by any other Party, the Parties are required to seek a solution through the means indicated in Article 33 of the Charter of the United Nations. Article 33 of the Charter provides for peaceful settlement of disputes through negotiation, enquiry, etc. Whether such an objection would "toll" the three month period, however, is unlikely. Rather, the objection would merely subject North Korea to dispute resolution under Article 33 of the Charter.

There is also a question of the impact of a procedurally invalid withdrawal. As a matter of law, if these procedures are not complied with, then the withdrawal is not effective, and North Korea would remain bound by the NPT. While such a technical reading of the withdrawal requirements may seem overly "legal," the importance of these procedures should not be underestimated. As explained by the U.S. Representative to the Eighteen-Nation Disarmament Committee (ENDC) "these requirements have been added because they provide an additional brake on hasty withdrawal action without limiting the basic right of withdrawal. In addition, Security Council notification and explanation are clearly appropriate in view of the serious security ramifications of withdrawal." The intent of the negotiators was clearly to keep withdrawal a high cost endeavor and to keep the withdrawing party engaged in order, presumptively, to convince the withdrawing party to change its mind.

Finally, it must be noted that even if and when the North Koreans do give a valid notice of withdrawal, they will continue to be fully bound by the NPT for the duration of the three month period described above. If, at any point during that period the North Koreans were, for example, to violate the applicable IAEA safeguards arrangement, they would be in breach of their obligations under the NPT. Whether this would, in and of itself somehow serve to void the effectiveness of their withdrawal is unclear, but it would give the other parties to the NPT a range of possible responses broader than that available in the case of simple withdrawal. For instance, if such a breach were material, then paragraph 2 of Article 60 of the Vienna Convention on the Law of Treaties "entitles: (a) the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part or to terminate it either: (i) in the relations between themselves and the defaulting State, or (ii) as between all the parties"

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- 3) What might be the impact of North Korea's announcement on other treaties?

North Korea's announcement of withdrawal could have significant impact on other treaties, including treaties not yet in force such as START I and II. North Korea objects to IAEA partiality as one of its reasons for withdrawal. If this view is shared by other states (especially former Soviet Republics committed to joining the NPT as non-nuclear states) their adherence to the NPT could be in jeopardy.

As a legal matter, the international community's response to this notification of withdrawal may be precedent setting. Unless the procedural requirements, for instance, are strictly enforced, the authority of the requirements set forth in Article X of the NPT, as well as relevant portions of the Vienna Convention on the Law of Treaties, could be undermined. Also, once North Korea were to withdraw from the NPT, a barrier will have been broken, no other state, apparently, having previously invoked the supreme interests provisions. Other states may find it easier to decide to do the same thing, which could have a deleterious impact on the future strength and stability of the NPT regime, as well as others with a similar provision.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012. cable	re meeting with North Korea (2 pages)	03/15/1993	P1/b(1)

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OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
kc1538

RESTRICTION CODES

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- P1 National Security Classified Information [(a)(1) of the PRA]
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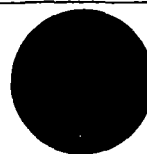
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(Officer name) (Office symbol) (Extension) (Room number)
MESSAGE DESCRIPTION CABLE TO USVIENNA: GUIDANCE FOR THE NPT DEPOSITARIES
MEETING

TO: (Agency)	DELIVER TO:	Extension	Room No.
<u>NSCS</u>	<u>NANCY SODERBERG</u>	<u>456-6534</u>	<u>WH SITRM</u>
	<u>WILL ITOH</u>		
	<u>KRISTIE KENNEY</u>		
	<u>EXECUTIVE SECRETARIAT</u>		
	<u>Gottmoelell / Harris / Pone man</u>		
	<u>Walker / Kristoff / Aoki</u>		

FOR: CLEARANCE ☒ INFORMATION ☐ PER REQUEST ☐ COMMENT ☐

REMARKS: PLEASE CLEAR BY: 3/15. Mkt 60. For republishing
meeting 3/16 in Vienna toward formal meetings 3/17.

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ROSS WILSON

CROSSHATCH

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015. cable	re meeting instructions (3 pages)	03/15/1993	P1/b(1)

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National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
kc1538

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]
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- 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]
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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]

Copy to Adm
Kristoff

THE SECURITY COUNCIL,

A. NOTING THE IMPORTANCE OF THE DECISION OF MANY STATES TO ADHERE TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (THE NON-PROLIFERATION TREATY) AND EMPHASISING THE INTEGRAL ROLE IN THE IMPLEMENTATION OF THE TREATY OF FULLY EFFECTIVE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) SAFEGUARDS,

B. HAVING CONSIDERED THE LETTER FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA DATED 12 MARCH 1993 ADDRESSED TO THE PRESIDENT OF THE COUNCIL (S/.....). CONCERNING THE DECISION OF THE GOVERNMENT OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO WITHDRAW FROM THE NON-PROLIFERATION TREATY, AND EXPRESSING ITS DEEP CONCERN AT THAT DECISION,

C. RECALLING THAT, UNDER ARTICLE X.I OF THE NON-PROLIFERATION TREATY, NOTICE OF WITHDRAWAL SHALL BE GIVEN TO ALL OTHER PARTIES TO THE TREATY AND TO THE SECURITY COUNCIL THREE MONTHS IN ADVANCE, AND EMPHASISING THAT, DURING THAT THREE MONTH PERIOD THE PARTY CONCERNED REMAINS FULLY BOUND BY ITS OBLIGATIONS UNDER THE NON-PROLIFERATION TREATY AND ITS RELATED SAFEGUARDS AGREEMENT WITH THE IAEA,

1. CALLS UPON THE GOVERNMENT OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO RECONSIDER THE DECISION CONTAINED IN THE LETTER OF 12 MARCH 1993;

2. REQUESTS THE SECRETARY-GENERAL AND THE DIRECTOR GENERAL OF THE IAEA TO SEEK THE COOPERATION OF THE GOVERNMENT OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA IN RESPONDING POSITIVELY TO THE COUNCIL'S CALL;

3. URGES ALL PARTIES INDIVIDUALLY AND COLLECTIVELY TO ENCOURAGE THE GOVERNMENT OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO RESPOND POSITIVELY TO THE COUNCIL'S CALL;

4. DECIDES TO REMAIN SEIZED OF THE MATTER.

UK Draft resolution

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
016. cable	re depositories meeting (2 pages)	03/15/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
kc1538

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
017. cable	re North Korea (2 pages)	03/15/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
kc1538

RESTRICTION CODES

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
018. cable	re North Korea (3 pages)	03/15/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
kcl538

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

RR. Document will be reviewed upon request.

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NATIONAL SECURITY COUNCIL

15-Mar-1993 12:10 EDT

UNCLASSIFIED

MEMORANDUM FOR:

RAGLE@A1@OEOB
PONEMAN@A1@OEOB
KRISTOFF@A1@OEOB
BRANSCUM@A1@OEOB

FROM: White House Situation Room
(WHSR@A1@WHSR)

SUBJECT: ^BC-KOREA-UN 1STLD@

<DIST>

PRT: WEIDEMANN

SIT: BRANSCUM KRISTOFF PONEMAN RAGLE

<ORIG>

REUTER

<TOR>

930315115658 R0214043

<SUBJ>

^BC-KOREA-UN 1STLD@

<TEXT>

a0769LBY798reulb

r i BC-KOREA-UN 03-15 0442

^BC-KOREA-UN 1STLD@

^NORTH KOREA WARNS OF WAR ``AT ANY MOMENT``@

By Philippe Naughton

GENEVA, March 15, Reuter - A North Korean envoy warned on Monday that war could break out ``at any moment`` with its southern neighbour and confirmed reports that Pyongyang was refusing to grant visas to foreigners.

Ri Tcheul, Pyongyang's ambassador at the United Nations in Geneva, said bullets and shells were being fired ``towards our side`` in joint U.S.-South Korean military exercises.

``If we respond to it, it will mean a war and this war cannot but be an all-out war,`` Ri told a news conference.

``That is why we are stressing that a hair trigger situation has been created which could lead to an outbreak of war at any moment.``

Ri's warning, the most outspoken since North Korea declared itself on a ``semi-war`` footing last week, came hours after the ambassador received a public dressing-down from the U.N. itself.

According to a U.N. statement, Vladimir Petrovsky, the world body's top official in Europe, met Ri and formally condemned Pyongyang's decision on Friday to withdraw from the international Nuclear Non-Proliferation Treaty (NPT).

Ri said he was simply paying a courtesy call to Petrovsky

but had taken the opportunity to explain his country's stance over the row -- that it was being falsely accused by the United States of developing nuclear weapons.

According to the U.N. statement, however, Petrovsky told the envoy that any problems encountered by NPT member states ``could and should'' be solved within the framework of the treaty.

Petrovsky added: ``This act does not correspond to the will of the international community.''

Ri confirmed earlier reports that the government had decided not to grant any visas to foreigners because of the tension caused by the military exercises in South Korea.

Over 120,000 South Korean and American troops are taking part in the 10-day exercises called Team Spirit, which began last Tuesday.

``The main part which comprises the Team Spirit military exercise is the amphibious landing exercise. We cannot expect when the attack will come about...' Ri said.

``Under this very dangerous situation, we cannot guarantee the safety of foreigners. That's why we have taken such a step -- to protect the safety of foreigners,' he added.

In a report from the North Korean capital earlier on Monday, Russia's Itar-Tass news agency reported that the government was refusing visas and had restricted the movement of foreign residents already in the country.

North Korea, armed with Soviet weapons, invaded the South in 1950. The United States led a military response under U.N. auspices and the war lasted until 1953.

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Reut11:58 03-15

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
019. cable	re North Korean withdrawal (2 pages)	03/15/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
kc1538

RESTRICTION CODES

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

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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)]

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
020. cable	re meeting (2 pages)	03/15/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
ke1538

RESTRICTION CODES

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

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NATIONAL SECURITY COUNCIL

13-Mar-1993 21:47 EDT

UNCLASSIFIED

MEMORANDUM FOR:

PONEMAN@A1@OEOB
KRISTOFF@A1@OEOB

FROM: White House Situation Room
(WHSR@A1@WHSR)

SUBJECT: DPRK: CPRF Statement Supporting NPT Withdrawal (Take

<DIST>

SIT: KRISTOFF NODIST PONEMAN

<ORIG>

FBIS

<TOR>

930313212604 F0212624

<SUBJ>

DPRK: CPRF Statement Supporting NPT Withdrawal (Take 1 of 2)

<TEXT>

FBIS 009

UNCLAS 4C

DPRK: CPRF Statement Supporting NPT Withdrawal (Take 1 of 2)
SK1403013293 Pyongyang Korean Central Broadcasting Network in
Korean 2100 GMT 13 Mar 93

[Statement by the Committee for the Peaceful Reunification of
the Fatherland [CPRF] issued on 13 March in Pyongyang]

[Text] Statement by the Central Committee for the Peaceful
Reunification of the Fatherland:

As a self-defensive measure to defend the country's supreme
interest, the DPRK Government issued a statement announcing that it
will withdraw from the Nuclear Nonproliferation Treaty [NPT] on 12
March. This measure by the Republic's Government clearly shows our
thorough spirit of national independence in which we treasure the
nation's dignity and sovereign rights and stand against the big
powers' unjust pressure without the slightest compromise and in a
dignified manner. This also relieves our nation from the danger of
a war which is approaching. It is a patriotic measure which most
thoroughly advocates and guarantees the whole nation's interest and
well-being.

As pointed out in the statement of the Republic's Government,
based on so-called intelligence data provided by the United States,
the International Atomic Energy Agency [IAEA] adopted an
unreasonable resolution to enforce special inspection of our general
military bases which has no relation with nuclear activities. This
is ignoring the basic spirit and basic demand of the NPT and the
nuclear safeguards accord. It was a gangster-like hostile act to
infringe upon our Republic's sovereign rights in a repressive way.

From the position of preventing the danger of a nuclear war on the Korean peninsula and guaranteeing solid peace, after signing the nuclear safeguards accord we strongly proposed an overall inspection of nuclear weapons and nuclear bases in South Korea. Also, we sincerely received the IAEA's inspection of our nuclear facilities on various occasions. Through this process the innocence of our peaceful nuclear policy was repeatedly confirmed.

When it became clear after various inspections that we were using nuclear energy for peaceful purposes, the United States instigated some officials of the IAEA to find out secrets on our general military bases. This stemmed from the purpose of disarming us and oppressing our Republic through strength to devise a special inspection. They are frantically scheming to enforce this special inspection.

What cannot be overlooked is the fact that the United States and the South Korean ruling bunch dragged up-to-date nuclear attack means and massive forces into South Korea and its neighborhood and conducted a very dangerous Team Spirit nuclear war exercise to carry out a preemptive blow on us and made false charges regarding the special inspection issue, thus going mad by running amok to light a fuse of a nuclear war whenever there is an opportunity.

It is very just for us to denounce the special inspection which the United States and its follower forces are enforcing, and to defend the nation's dignity and sovereign rights before this severe reality in which the danger of nuclear war is close at hand.

The CPRF recognizes that the measure by the Republic's Government to pull out of the NPT is the most just and revolutionary measure which saves the whole nation from the danger of a war, defends the nation's dignity and sovereign rights, and reflects our people's indomitable will and iron-like faith to advocate and adhere to the chuche-type socialism of our own style. Therefore, the CPRF wholly supports and welcomes this measure.

(More)

14 MAR 0223z sm

NNNN

5

NATIONAL SECURITY COUNCIL

13-Mar-1993 21:57 EDT

UNCLASSIFIED

MEMORANDUM FOR:

PONEMAN@A1@OEOB
KRISTOFF@A1@OEOB

FROM: White House Situation Room
(WHSR@A1@WHSR)

SUBJECT: DPRK: CPRF Statement Supporting NPT Withdrawal (Take

<DIST>

SIT: KRISTOFF NODIST PONEMAN

<ORIG>

FBIS

<TOR>

930313213315 F0212628

<SUBJ>

DPRK: CPRF Statement Supporting NPT Withdrawal (Take 2 of 2--

<TEXT>

FBIS 010

UNCLAS 4C

DPRK: CPRF Statement Supporting NPT Withdrawal (Take 2 of 2--
009Mar14)

///welcomes this measure.

SK1403020593

[Text] As everyone knows, proceeding from our desire to make the Korean peninsula a nuclear-free peace zone and to prevent a nuclear war we not only joined the NPT, but also adopted a joint declaration of denuclearization with the South side. And we have been making all possible efforts for the realization of the declaration.

Nevertheless, the South Korean authorities, suddenly changing their attitude, created an artificial obstacle to North-South dialogue by making the international inspection of us a prerequisite. Even today when our irreproachability has been verified by the international inspections carried out in our country the South side has acted as a shock brigade in the special inspection commotion plotted by the United States. Furthermore, the South Korean authorities are resuming the provocative Team Spirit joint military exercise which they suspended last year. Thus, they have driven North-South dialogue into an overall freezing state and made North-South relations extremely acute. This is an intolerable antinational, criminal act, as well as a base, dirty, flunkeyist, and treacherous act designed to escape an overall inspection [chonmyon sachal] of U.S. nuclear weapons and nuclear bases in South Korea, to conceal their nuclear development maneuvers, to trigger a new war in collusion with foreign forces, and thus to drive all of

the nation into nuclear holocaust.

Today, when the danger of a new war is momentarily drawing near [sisigakkakuro tagaonun] on the Korean peninsula because of the indiscreet provocation maneuvers by the U.S. imperialists and their stooges, if we fail to check and frustrate the special inspection plot carried out under the scenario of the United States, it is too clear that this will result only in making all of the fellow countrymen become the victims of a nuclear war by big powers and in making foreign forces fish in troubled waters.

If the United States and imperialist reactionaries think that they can make our people knuckle under with collective sanctions and threats, this will indeed be a big miscalculation. The United States should admit its brigandish crime of plotting to harm and obliterate our country, a non-nuclear state, by manipulating international organizations, and should immediately suspend its unwarranted special inspection commotion.

The Japanese authorities, as well, should renounce their base act of attempting to conceal their nuclear arming maneuvers by clamoring about our nuclear development and stop the act of joining the criminal special inspection commotion of the United States.

The South Korean authorities should apologize before all of the nation for their act of having blocked North-South dialogue and North-South agreement from being implemented by dancing according to the rhythm of the U.S. nuclear commotion, while forgetting their sense of independence. They should no longer act as a culprit of the United States, which is attempting to make our fellow countrymen the victims of a nuclear war.

The South Korean people should correctly discriminate among the two different positions and the two different lines of patriotism and treachery and national independence and dependence on foreign forces. They should firmly unite under the banner of independence and peace and vigorously rise up in the anti-U.S. and antiwar struggle to escape becoming the victims of a nuclear war.

We take this opportunity to express our firm belief that all of the South Korean people and the peace-loving people of the world will extend full support to our fair and just stand.

[Dated] 13 March 1993, Pyongyang
(Endall)

14 MAR 0232z sm
NNNN

statusdict begin 0 200 setemulation end

NATIONAL SECURITY COUNCIL

13-Mar-1993 21:07 EDT

UNCLASSIFIED

MEMORANDUM FOR:

PONEMAN@A1@OEOB
KRISTOFF@A1@OEOB

FROM: White House Situation Room
(WHSR@A1@WHSR)

SUBJECT: DPRK: Pyongyang Radio Reports Envoy to PRC's 12 Mar

<DIST>

PRT: PATTERSON

SIT: KRISTOFF NODIST PONEMAN

<ORIG>

FBIS

<TOR>

930313204035 F0212596

<SUBJ>

DPRK: Pyongyang Radio Reports Envoy to PRC's 12 Mar Remarks

<TEXT>

FBIS 006

UNCLAS 4C

DPRK: Pyongyang Radio Reports Envoy to PRC's 12 Mar Remarks
SK1403005593 Pyongyang Korean Central Broadcasting Network in
Korean 0000 GMT 14 Mar 93

[Text] A news conference was held at the DPRK Embassy in the PRC on 12 March in connection with the statement issued by our Republic's Government on withdrawing from the Nuclear Nonproliferation Treaty [NPT].

A portrait of the great leader Comrade Kim Il-song was placed at the front of the site of the news conference. Reporters from the PRC's paper, press, and broadcast, and foreign reporters based in Beijing participated in the news conference.

Our country's Ambassador Chu Chang-chun made remarks at the news conference. He said that at the seventh session of the Ninth DPRK Central People's Committee in Pyongyang on 12 March, considering the imminent situation created in our country, discussions were held on the inevitability of our country pulling out of the NPT. He said that stemming from the imminent demand to resolutely advocate and adhere to our socialist system, by exercising sovereign rights, our country decided to withdraw from the NPT.

Ambassador Chu read the DPRK Government statement and emphasized that this is a self-defensive measure to defend the nation's sovereign rights and the country's supreme interest. He also said that this is a very legitimate countermeasure. He warned that if the hostile forces try to put some kind of pressure or sanctions

against us because our country withdrew from the NPT, it will answer

by carrying out a strong self-defensive countermeasure corresponding to this.

He said that we have neither the will nor the ability to develop nuclear weapons and that the Republic's government is calling for denuclearization not only on the Korean peninsula but the world over.

Ambassador Chu answered questions by reporters at the news conference.

14 MAR 0139z sm

NNNN

4

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
021. cable	re Chinese government (5 pages)	04/14/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 281

FOLDER TITLE:

North Korea 1993-95 [7]

2009-0528-F
kc1538

RESTRICTION CODES

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

RR. Document will be reviewed upon request.

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