

FOIA MARKER

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

Folder Title:

North Korea, November 1993 [8]

Staff Office-Individual:

Nonproliferation and Export Controls-Aoki, Steven

Original OA/ID Number:

283

Row:	Section:	Shelf:	Position:	Stack:
41	5	5	2	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. fax	cover Pentagon to NSC re deployment (1 page)	12/30/1993	P1/b(1)
001b. memo	David Powers to public affairs offices re proposed guidance (1 page)	12/30/1993	P1/b(1)
001c. paper	re proposed guidance (3 pages)	12/30/1993	P1/b(1)
002a. fax	cover, State Dept to NSC re talking points for allies (1 page)	12/22/1993	P1/b(1)
002b. note	Tom to Dan [Poneman] re attached points (1 page)	12/22/1993	P1/b(1)
002c. draft	re points for allies (1 page)	12/22/1993	P1/b(1)
002d. draft	re points for allies (1 page)	12/22/1993	P1/b(1)
003. notes	re summary of conclusions meeting of NSC principals (2 pages)	12/06/1993	P1/b(1)
004. paper	re sequence of events (2 pages)	11/00/1993	P1/b(1)
005. paper	re sequence of events [duplicate of 004 w out annotations] (2 pages)	11/00/1993	P1/b(1)
006. report	re joint declaration (10 pages)	10/15/1993	P1/b(1)
007. paper	re North Korea (4 pages)	11/00/1993	P1/b(1)
008. paper	re nuclear objectives (2 pages)	11/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 283

FOLDER TITLE:

North Korea, November 1993 [8]

2009-0528-F

kc1554

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]
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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.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. paper	re negotiating package (2 pages)	11/00/1993	P1/b(1)
010. paper	re what North Korea wants (2 pages)	11/00/1993	P1/b(1)
011. chart	re comparison of proposals (1 page)	12/07/1993	P1/b(1)

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Clinton Presidential Records
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kel554

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National Security Council
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002b. note	Tom to Dan [Poneman] re attached points (1 page)	12/22/1993	P1/b(1)

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002c. draft	re points for allies (1 page)	12/22/1993	P1/b(1)

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~~SECRET~~

~~SECRET~~ SA-FYI

PONEMAN
21376

NATIONAL SECURITY COUNCIL
WASHINGTON D C 20506

December 7, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM:

DANIEL PONEMAN *DP*

SUBJECT:

Summary of Conclusions from Principals' Meeting on
December 6, 1993, on North Korea

Natl Sec Advisor
has seen

Attached at Tab I is the Summary of Conclusions from the
Principals' meeting held on December 6, 1993.

Concurrence by: *SD* Kent Wiedemann

RECOMMENDATION

That you authorize William Itoh to sign the memorandum at Tab I
forwarding the Summary of Conclusions.

Approve _____ Disapprove _____

Alternatively, in light of sensitivity of the issue, that you
approve the conclusions and instruct William Itoh to file them
for record purposes.

Approve *R* _____ Disapprove _____

Attachments

Tab I Memo to Counterparts

Tab A Summary of Conclusions

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

By *W* NARA, Date *07/06/15*
2009-0528-F

~~SECRET~~

Declassify on: OADR

~~SECRET~~

~~SECRET~~

~~SECRET~~
NATIONAL SECURITY COUNCIL
WASHINGTON D C 20506

21376

MEMORANDUM FOR MR. THOMAS M. MCLARTY
Chief of Staff to the President
of the United States

MR. LEON FUERTH
Assistant to the Vice President
for National Security Affairs

MR. MARC GROSSMAN
Executive Secretary
Department of State

COL. ROBERT P. MCALEER
Executive Secretary
Department of Defense

MR. JOHN A. LAUDER
Executive Secretary
Central Intelligence Agency

AMBASSADOR RICK INDERFURTH
Office of the Representative of
the US to the United Nations

COL. T. R. PATRICK
Secretary
Joint Chiefs of Staff

MS. BARBARA STARR
Executive Secretary
Arms Control and Disarmament Agency

SUBJECT: Summary of Conclusions from Principals' Committee on
North Korea, December 6, 1993 (U)

The attached summary of conclusions are for eyes-only
distribution to principals. (S)

William H. Itoh
Executive Secretary

Attachment
Tab A Summary of Conclusions

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

~~SECRET~~

Declassify on: OADR

~~SECRET~~

By W NARA, Date 07/06/13
2009-0528-7

Withdrawal/Redaction Marker

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003. notes	re summary of conclusions meeting of NSC principals (2 pages)	12/06/1993	P1/b(1)
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. report	re joint declaration (10 pages)	10/15/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 283

FOLDER TITLE:

North Korea, November 1993 [8]

2009-0528-F
kc1554

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]
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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.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. paper	re North Korea (4 pages)	11/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 283

FOLDER TITLE:

North Korea, November 1993 [8]

2009-0528-F
kc1554

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. paper	re nuclear objectives (2 pages)	11/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 283

FOLDER TITLE:

North Korea, November 1993 [8]

2009-0528-F
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009. paper	re negotiating package (2 pages)	11/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
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North Korea, November 1993 [8]

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NORTH KOREA SANCTIONS

<u>Category</u> [Legal Citation]	<u>Description</u>	<u>Repeal/Revise</u> :
1. Diplomatic Relations. [U.S. Constitution; <u>Note:</u> For a good, general overview of the law regarding state/government recognition, see sections 202-205 of the Restatement 3d, Foreign Relations Law of the U.S. (1986.)]	The U.S. does not currently maintain diplomatic relations with the DPRK.	The establishment of diplomatic relations is a constitutional prerogative of the Executive; no formal congressional approval is required.
2. U.N. 25-mile Travel Limit. [Section 162 of the Foreign Missions Act, 22 U.S.C. 4316; U.N. Headquarters Agreement; Immigration and Nationality Act]	Although the DPRK is a member of the United Nations, the U.S. lawfully restricts the travel of DPRK UN representatives to the HQ District, i.e., a 25-mile radius from Columbus Circle.	The 25-mile limit may be removed or relaxed by the Secretary (in consultation with the FBI and CIA) without the need for congressional approval or consultation.
3. Trade Embargo. [Trading With The Enemy Act ("TWEA"), Pub. L. 65-91, <u>as amended</u>, 50 U.S.C. App. 5(b); 31 C.F.R. 500.201 et seq.]	--Empowers President to prohibit/regulate a broad range of financial/property transactions. --Since 12/17/50, President has banned trade absent Treasury (Office of Foreign Asset Controls) license.	Executive may relax or terminate the ban at any time w/o congressional consent or consultation. [But note section 710 of the pending State authorization bill, which, if enacted in its current form, would prohibit any license for trade with the DPRK except pursuant to a presidential determination that the DPRK maintains its status as a member of the 1968 Nuclear Nonproliferation Treaty and is in full compliance with its obligations thereunder.]

- | | | |
|---|--|--|
| 4. Exports.

[Export Administration Act of 1979 (Pub. L. 96-72, as amended, 50 U.S.C. App. 2404)("EAA"); 15 C.F.R. Part 700] | Authorizes the President to "prohibit or curtail the export of any goods or technology subject to the jurisdiction of the [U.S.]" absent a license from Commerce. | Executive branch may relax or terminate the ban without congressional consent or consultation. |
| 5. Shipping.

[Section 704 of the Defense Production Act of 1950 (Pub. L. 81-774, 50 U.S.C. App. 2154); 44 C.F.R. Part 403] | Prohibits owners, owners' agents, and officers from (i) taking to the DPRK any ship or aircraft documented or registered under the laws of the U.S.; and, (ii) from transporting in any such ship goods destined for the DPRK. | Executive may relax or terminate these restrictions without congressional consent or consultation. |
| 6. Most Favored Nation ("MFN").

[Title IV of the Trade Act of 1974 (Pub. L. 93-618, 19 U.S.C. 1431)] | As a country the products of which were not eligible for MFN treatment on or before 1/3/75, the DPRK is ineligible for MFN extension, absent... | (i) Presidential determination that the DPRK (as a "non-market country") allows its nationals to emigrate freely (the so-called "Jackson-Vanik" amendment); and, (ii) conclusion of a bilateral trade agreement containing specified provisions. |
| 7. Proliferation

[Sections 1701-1704 of the FY '91 National Defense Authorization Act (Pub. L. 101-510, 50 U.S.C. App. 2402 note); 15 C.F.R. Part 700; 22 C.F.R. 120.29 (ITAR), see 58 F. Reg. 39286 (7/22/93)] | -- Amended the Arms Export Control Act (22 U.S.C. 2778) and the Export Administration Act to require sanctions if the President | -- Sanctions are for a two-year period.

-- President may waive upon a determination that such action is |

determines that a foreign person knowingly exports, transfers or otherwise engages in trade "of items that contribute to missile proliferation."

"essential to the national security of the [U.S.]" and so certifies to Congress 20 days prior to issuing the waiver.

-- U.S. imposed such sanctions on two DPRK entities in 1992.

8. Terrorism.

[Section 6(j) of the Export Administration Act of 1979, as amended by the Anti-Terrorism and Arms Export Amendments Act of 1989, Pub. L. 101-222, 103 Stat. 1892]

[Note: Section 901 of the Internal Revenue Code, 26 U.S.C. 901(j) would also deny in the case of the DPRK certain tax credits for income and other taxes paid to that country.]

-- DPRK designated a "terrorist country" since 1/20/88 per State determination that it had repeatedly provided support for acts of international terrorism.

-- Prohibits certain transactions with DPRK, including direct or indirect export of any munitions list items by USG or any US person (as well as to re-exports by non-U.S. persons).

-- Exports of non-munitions list items must be licensed.

-- President may waive the prohibition for a particular transaction if he determines that it is "essential to the national security interests of the [U.S.]," and both consults with and submits a report to Congress 15 days prior to the transaction.

-- There are two ways by which a country may get off the "terrorist list," i.e., (i) President certifies to Congress that "there has been a fundamental change in the leadership or policies of the terrorist country, that the government ...is not supporting acts of international terrorism, and that the government has provided assurances that it will not support acts of international terrorism in the future,"; or, (ii) President submits to Congress for review, 45 days prior to the

effective date of the
recision, a
determination that
the government has
not supported
international
terrorism during the
preceding 6-month
period and has
provided assurances
that it will not
support acts of
international
terrorism in the
future.

**THE FOLLOWING ARE POTENTIALLY APPLICABLE ALTHOUGH NO FORMAL
DETERMINATION HAS YET BEEN MADE**

**9. Foreign
Assistance.**

A. Human Rights.

[Section 116 of the
Foreign Assistance
Act of 1961, as
amended, 22 U.S.C.
2151n; also covers
OPIC insurance,
guarantees, or
loans, 22 U.S.C.
2199 (i)]

Prohibits
assistance to the
government of "any
country which
engages in a
consistent pattern
of gross violations
of internationally
recognized human
rights, including
torture or cruel,
inhuman, or
degrading treatment
or punishment..."
etc.

"Gross violator"
determination is made
by the AID
Administrator and the
Assistant Secretary
for HA, who must take
into account the
extent to which the
government has
permitted unimpeded
investigations of
alleged human rights
violations by
appropriate
international
organizations, and
the extent to which
multilateral and
security assistance
is already restricted
to that country by
the President or
Congress for human
rights reasons.

**B. Communist
States.**

[Section 620(f) of
the FAA (22 U.S.C.
2370 (f))]

Prohibits
assistance to "any
communist country,"
including the DPRK,
except for

--President may waive
upon finding that
such assistance is
vital to U.S.
national security,

[Note: There are also several other restrictions on assistance that might potentially become applicable to the DPRK that it is not necessary to address now, e.g., sec. 620A of the FAA, 22 U.S.C. 2371 (prohibits assistance to governments supporting int'l terrorism); sec. 620(t) of the FAA (break in diplomatic relations); secs. 523 and 529 of the FY 94 Foreign Ops. Appropriation bill; sec. 543 of the FY '93 FAA (Pub. L. 102-391).]

10. Security Assistance.

[Section 502B of the FAA (22 U.S.C. 2304)]

assistance to schools, libraries, and hospital centers for educational research which are outside the U.S. and are founded/operated by U.S. citizens.

that the country is not controlled by the international communist conspiracy, and that the assistance will promote the country's independence from international communism.

-- President may also remove a country for a designated period if he determines that it is in the national interest to do so; one factor to be considered is whether the country is "fostering the establishment of a generally democratic system, with respect for internationally recognized human rights."

-- Prohibits security assistance to any country "the government of which engages in a consistent pattern of gross violations of internationally recognized human rights."

Assistance may be provided only if the President finds such a "significant improvement in [the] human rights record" that it is in the national interest to lift the prohibition.

-- Also prohibits security assistance for the police, domestic intelligence, or similar law enforcement forces of such a country. Moreover, export licenses are prohibited even for crime control and detection instruments and equipment, subject to a presidential waiver in

"exceptional
circumstances."
Id., for IMET.

11. IFI Lending.
[Section 7001 of
the International
Financial
Institutions Act
(22 U.S.C. 262d);
see also sec. 528
of the FY '94
Foreign Ops
Appropriation Act,
which contains a
similar provision.]

Requires the U.S.
Executive Directors
of IFI's (e.g.,
World Bank) to
oppose any loan,
extension of
financial
assistance, or
technical
assistance to any
country the
government of which
engages in "a
pattern of gross
violations of
internationally
recognized human
rights," or
"provides refuge to
individuals
committing acts of
international
terrorism by
hijacking aircraft."

-- U.S. Executive
Directors are only
authorized to
support assistance
"directed
specifically to
programs which
serve the basic
human needs of the
citizens of such
country."

Note: 22 U.S.C.
262d(f) requires
Treasury to consult
"in a timely manner"
with relevant
congressional
committees to inform
them of "prospective
changes in policy
direction toward
countries [sic] which
have or recently
have had poor human
rights records."

22 U.S.C. 262d(c)
requires Treasury to
report quarterly on
all loans considered
by the IFI Boards,
addressing inter alia
whether the U.S.
opposed, in each
instance, assistance
on human rights
grounds, or changed
its voting position
for such reasons.

"Gramm Amendment,"
section 43 of the
Bretton Woods
Agreement Act, as
amended, 22 U.S.C.
286aa.

Requires the
Secretary of
Treasury to direct
the U.S. Executive
Director of the IMF

The congressional
committees may
request that the
Secretary of Treasury
appear before them to

"to actively oppose any facility involving use of Fund credit by any Communist dictatorship" unless Treasury certifies to the relevant congressional committees that certain economic criteria are met.	certify and document (or to document in writing) that the requisite conditions have been met. If the Secretary does not appear in response to Congress' invitation, the Executive Director "shall vote against such program."
---	---

Gonzalez Amendment,
22 U.S.C. 283r,
284j, 285o.

Requires Secretary of Treasury to instruct Executive Directors to the IBRD and ADB to vote against assistance to any country that has expropriated the property of U.S. nationals.

Unless President determines that (i) an arrangement for proper compensation has been made; (ii) the matter has been submitted to arbitration; or, (iii) good faith settlement negotiations are in progress.

→ SA

Telefax Message

United States Mission to the United Nations
System Organizations in Vienna
Office of the Ambassador

Date: 12/2/93

From: Ambassador Becker

Please forward to: Gary Samore FAX: 202/647-1346

Total number of pages (including cover sheet): 21

Comments:

Director General's Introductory Statement to the Board of Governors
(2 December 1993) follows.

Obersteingasse 11
A-1190 Vienna, Austria

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DRAFT 6: 1993-12-01

***DIRECTOR GENERAL'S INTRODUCTORY STATEMENT
TO THE BOARD OF GOVERNORS***

2 December 1993

Introduction

In addition to making some comments on the result of the TACC. I must ask to report to you on several other important and current matters about which I believe the Board needs to be aware of at this time.

TACC and Model Project Briefing

In the last two weeks we have dealt intensively with the Agency's Technical Co-operation Programme. There was first a briefing by the Department of Technical Co-operation on the Model Projects, and last week the Technical Assistance and Co-operation Committee (TACC) examined the TC programme for 1994. The TACC also considered the Model Project initiative and while offering many thoughtful suggestions and comments, it explicitly recognized the initiative as a means of achieving a transfer of technology with real impact for specific end users. The initiative was seen as a timely and appropriate beacon for the future direction of the entire technical co-operation programme.

The Secretariat will soon start the appraisal of requests for assistance under the 1995-96 TC Programme. While - as recommended by the Board - we shall seek to reduce the number of small projects, additional requests can be expected from new members in Europe.

- 2 -

Asia and the Pacific. Assuming that sufficient pledging takes place we would anticipate a continued increase in the total volume of the programme. It is a source of concern that the level of pledges received until the end of October is one of the lowest in the last few years - only 19% of the target of \$ 58.5 million for 1994. I therefore ask all Members who have not yet pledged - in particular industrialized States - to pledge according to their target. Only this will provide a solid basis for the implementation of the proposed 1994 TC Programme and ensure the transfer of nuclear techniques to which all Member States have committed themselves.

Reactor Projects

Last February, the Board approved a request by the Government of Colombia for the Agency's assistance in securing the transfer, from the United States of America, of approximately 7.8 kilograms of uranium enriched to less than 20% in the isotope uranium-235 to serve as fuel for the continued operation of the IAN-R1 research reactor. At its present session the Board is being asked, in document GOV/2700, to approve a request from the Government of Colombia for the Agency's assistance in securing the transfer, from the United States of America, of a further quantity of up to 8 kilograms of low enriched uranium for use as fuel in the IAN-R1 research reactor.

Safeguards Agreements

One proposed new safeguards agreement is being submitted for the Board's consideration. It is between Latvia and the Agency pursuant to the NPT. If approved by the Board, the agreement will enter into force upon signature.

- 3 -

Pursuant to the Board's decision of 4 October 1993 the Government of India and the Agency have been negotiating an agreement for the application of safeguards to all nuclear material subject to Agency safeguards under the trilateral safeguards agreement between India, the United States and the Agency (INFCIRC/154, Part I) which expired on 24 October 1993. As you will recall, on 4 October 1993 the Board of Governors approved, as an interim measure, an agreement whereby India and the Agency agreed to continue to be bound by the provisions of INFCIRC/154, Part I, insofar as they relate to the bilateral relationship between India and the Agency, from the date of termination of the trilateral Safeguards Agreement until 31 December 1993. It has not been possible, despite the efforts made by the Government of India and the Agency, to finalize negotiations of the exchange of letters constituting a new bilateral safeguards agreement between India and the Agency in advance of this meeting of the Board. It is therefore proposed that, as a further interim measure, the duration of the agreement between the Government of India and the Agency of 1 October 1993 be extended to 1 March 1994.

Safeguards in the Newly Independent States of the former Soviet Union

In my statement to the General Conference in September, I referred to the preparatory work which had been undertaken in connection with the application of comprehensive safeguards in States of the former Soviet Union. This work continues. [Technical visits are currently under way or, in prospect, to major nuclear facilities in Armenia, Belarus, Kazakhstan, Ukraine and Uzbekistan. They address a range of safeguards-related issues. In the framework of the co-ordinated support programme for the Newly Independent States (NIS) with substantial nuclear programmes, the Agency has helped donors to prepare co-ordinated technical support plans relevant to future safeguards implementation in Kazakstan

- 4 -

and in Ukraine.

In my statement to the General Conference I also remarked that the actual application of safeguards in the NIS would have to await the conclusion of the necessary safeguards agreements. Since then, the Agency has signed a comprehensive safeguards agreement with Armenia and after the Board's approval, an agreement will be signed also with Latvia. Four additional NIS States Party to the NPT are now considering draft safeguards agreements provided by the Agency.

I turn now to the application of safeguards in Ukraine. Let me recall that, on 9 September 1992, the Minister for Foreign Affairs of Ukraine wrote to me that "Ukraine has begun the preparatory steps with the aim to adhere to the Non-Proliferation Treaty as a non-nuclear State." He asked that, "in the transitional period, before finishing juridical procedures necessary for Ukraine to adhere to this Treaty"... "safeguards of the Agency be applied to the nuclear installations under the jurisdiction or control of Ukraine."

Since then, as the Board knows, the Agency has taken various steps to prepare for future safeguards application in Ukraine.

Last week - on 26 November - I received a new letter from the Minister of Foreign Affairs of the Ukraine. He confirms Ukraine's intention to become a non-nuclear-weapon State in the future and expresses the wish of the Ukraine to conclude a safeguards agreement applying - I quote - to "all nuclear materials used for peaceful purposes in the Ukraine". A list of the facilities, where the material is located, is attached to the letter. Subject to any comments by the Board, the Secretariat would propose to embark on discussions with the

Agency. Hence, the Agency cannot verify the correctness and assess the completeness of

- 6 -

the DPRK's report of material subject to safeguards." This still remains the - unsolved - central issue.

I went on to say in the General Assembly - and this, too, still remains valid - that "the Agency has not asserted that the DPRK is diverting nuclear material for weapons development. However, until such time as the inconsistency between the DPRK's report and the Agency's findings is satisfactorily resolved through additional information and visits to additional locations -- the possibility that nuclear material has been diverted cannot be excluded."

Despite numerous communications in which the Secretariat has sought to bring about consultations with the DPRK on ways to obtain desired additional information and access to two additional locations, which appear nuclear-waste related, no such consultations have taken place. Hence the latest consultations, which took place when the Deputy Director General for Safeguards visited Pyongyang in early September. In the period after the General Conference of the IAEA, neither consultations nor IAEA inspections of any kind have taken place at nuclear facilities in the DPRK.

The position of the IAEA Secretariat has been that it has both the right and the duty to carry out full routine and *ad hoc* inspections on all declared nuclear installations in the same manner as the Agency did - without objections from the DPRK - in 1992 and early 1993. As I noted in my statement to the Board already on 23 September, many of the inspection activities are long overdue. Since that statement over two months have passed without inspections. Surveillance equipment, like cameras, have failed to operate long ago, and nuclear material could have been removed in front of the dead cameras. Scals have not

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been checked and could have been broken. Many items, which for reasonable assurance against misuse, require visits verification with determined intervals, have not been visited for a long time, etc. Accounting reports from the DPRK have not been received since last April.

We are increasingly often asked by members and media whether the safeguards, in the absence of inspection for so long even on declared installations and materials, give any assurance against misuse and diversion in the DPRK. The answer which I gave already on 1 November in my presentation to the General Assembly of the United Nations was that, I quote:

"The longer the Agency is precluded from conducting inspection, the more safeguards-related data deteriorate, and the less assurance safeguards can provide that even the declared facilities are used exclusively for peaceful purposes."

One month later, I am bound to conclude that the safeguards system which was in place on declared nuclear material and installations in the DPRK cannot be said to provide any meaningful assurance of peaceful use of these installations and this material. This is not to say that the system could not with renewed efforts be fully or partially restored, if co-operation were forthcoming from the DPRK. Nor is it to deny the possible truth of a statement made on 11 November by the First Vice-Minister of Foreign Affairs, Mr. Kang Sok Ju, - and largely reiterated in a memorandum of 1 December - that the DPRK "totally froze the movement of nuclear material within the DPRK" and that "still now the inspection cameras and seals of the IAEA remain on the nuclear facilities of our [DPRK] country." However, in the absence of verification, such statements offer little assurance.

It appears that despite the DPRK "suspending the effectuation of its declaration to withdraw from the NPT" and despite the explicit endorsement by the Board and the General

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Conference of the IAEA and by the General Assembly of the United Nations of the continued validity of the safeguards agreement, the DPRK does not fully recognize the relevance of that agreement. Rather, judging by the statement of Mr. Kang Sok Ju on 11 November, the DPRK authorities seem to determine for themselves that "the observation by cameras alone is enough to ensure the continuity of safeguards." The scope of inspection could "widen gradually, but only contingent on the degree to which the DPRK-USA talks make progress and the partiality and injustice on the part of some officials of the Agency's Secretariat are redressed." Thus, the DPRK is not relating the scope of inspection activities to what is required under the safeguards agreement. Rather, the stand appears to be that concessions by the United States and apologies by the IAEA might be rewarded by a gradual return to the prescribed level of safeguards activities.

Naturally, this way of looking at the situation was not - and is not - shared by the Secretariat of the IAEA. The Deputy Director General for Safeguards explained in a telex of 29 October that all the safeguards activities proposed by the Agency were overdue and necessary to halt the further deterioration of relevant safeguards data." He emphasized that "these activities must be viewed as an integral whole and not a set of activities from which a State can pick and choose. In seeking to limit the Agency's inspection activities to 'maintenance and replacement of the safeguards equipment' the DPRK [was] widening the area of non-compliance with the safeguards agreement and reducing the assurance that all declared installations and material are used only for peaceful purposes."

In his statement of 11 November, Mr. Kang Sok Ju suggested that there should be "a clear distinction between the guarantee of continuity of safeguards" - in his view apparently requiring only cameras in operation - and "full compliance with the safeguards

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agreement" - which in his view should be "solved in direct links with the abandonment of the nuclear threat and stifling policy of the United States ..." and which would mean "our full return to the Nuclear Non-Proliferation Treaty".

In a telex of 24 November the Acting Deputy Director General for Safeguards explained that "the reloading of cameras and checking of seals is not enough to ensure continuity". "Safeguards verification", he said, "is a system of many interrelated components designed to give together assurance of peaceful use of nuclear installations and material. The continuity of safeguards is the continuity of the system. As many components of the system require periodic visits by inspectors, it is inevitable that the longer these inspections are delayed, beyond the established timetable, the more eroded the safeguards become - the less there is of continuity." And he concluded: "All components of the system must be looked after. The Agency will not lend itself to creating a semblance of continuity of safeguards by only looking after a few components of the system, when more is needed."

This is where things stand. The Agency is ready at any time to receive a team from the DPRK for consultations about the whole safeguards issue - including the need for additional information and visits to additional locations. It is also ready to send an inspection team to perform a full range of inspection activities. These activities have been indicated in detail by the Agency and are of the same kind as the Agency undertook in the DPRK at this time last year without objections by DPRK authorities. They evidently go far beyond maintenance activities, but they do not include the question of additional information and visits to additional locations, about which the Agency is mandated to consult separately with the DPRK.

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Strengthening the effectiveness and improving the efficiency of the safeguards system

This item will be introduced by Mr. Pellaud but I should like to make some points. Following the Board's discussion in June of SAGSI's recommendations for improving the cost-effectiveness of safeguards, the Secretariat has initiated a programme which will further assess, develop and test these recommendations and SAGSI itself has continued to develop the ideas and concepts which it has advanced. The Secretariat is anxious to maintain a continuous dialogue with the Board on these matters. The programme, as it currently stands, was the subject of a briefing given to Missions recently and is described in GOV/2698. The results of this programme will be reported as they become available. At any rate, we would expect that most proposals would be ready by the time of the February 1995 Board. Given co-operation by Member States in providing facilities and assistance for field trials this timetable should be achievable.

It is evident, not least from the declaration of the summit meeting in the Security Council in 1992, that the world is looking to the Agency to provide important assurances through the safeguards system. It is with a view to living up to these expectations that measures are devised to strengthen safeguards, in particular to give some assurance about the absence of non declared nuclear activities in States which have accepted comprehensive safeguards. The measures contemplated include environmental monitoring, the systematic analysis of an increased range of information on States' nuclear activities and a combination of increased transparency on the part of the State with extended access for Agency verification. Environmental monitoring would provide a useful addition to Agency safeguards techniques for short-range application at specific sites. The effectiveness and costs of using such techniques for routine safeguards applications in long-range or country-

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wide monitoring has yet to be established.

It goes without saying that the Agency cannot unilaterally introduce new safeguards measures which are not covered in an existing agreement with the State. The introduction of such measures must be preceded by discussion in the Board and acceptance by the individual Members. I would caution, however, against viewing the acceptance of such measures as any kind of concession. If measures are endorsed by the Board and accepted by States, it will be because the States find it to be in their own interest to strengthen the reliability of comprehensive safeguards.

The search for efficiency measures - for measures that can reduce costs - will include a careful assessment of the possibilities for increased co-operation with State or Regional Systems of Accounting and Control of nuclear material, taking into account the transparency and effectiveness of such systems. There will also be an assessment of what streamlining and savings could be made in current routine activities in the event that implementation of strengthening measures can give greater assurance of the absence of non-declared installations.

Several Member States - Australia, Canada, Hungary, Japan, Sweden - have offered themselves to co-operate with the Agency in testing and trying some of the measures discussed. I welcome this. Broad application of measures which are being examined will be proposed only after careful assessment of all aspects, including legal and financial, and after positive experience in trials.

The Quadripartite Agreement

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In my statement to the General Conference in September, I referred to the discussions which had taken place between Argentina, Brazil, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC) and the Agency about matters subsidiary to the quadripartite safeguards agreement signed by the four Parties in December 1991. I referred, *inter alia*, to the extensive discussions about the Subsidiary Arrangements which had taken place in Rio de Janeiro in September, as a result of which only a few points were yet to be resolved.

I am pleased to tell you that, as a result of further, constructive, discussion between the four Parties in Vienna from 29 November to 1 December 1993, agreement has been reached, *ad referendum*, on all the issues previously outstanding. From the Agency's perspective, this is another important milestone along the road towards implementing comprehensive IAEA safeguards in Argentina and Brazil. Such implementation can be expected to have far-reaching and beneficial implications, not only for the four Parties, to the quadripartite safeguards agreement, but for the entire Latin American region and for the nuclear non-proliferation regime.

Iran

I am glad to tell you that during a recent visit to Iran by DDG-SG, Mr. Pellaud, and other Agency officials, discussions were held with the Chairman of the Atomic Energy Organization of Iran, Mr. Amrollahi, about a range of issues relevant to Iran's nuclear programme, including the application of safeguards in Iran.

These discussions took place in connection with a visit that took Mr. Pellaud and his

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Agency colleagues between 15 and 21 November to a number of facilities related to the Iranian nuclear programme in Teheran, Esfahan, Karaj and to the Sharif University in Teheran. Although such visits are not within the safeguards programme and do not presume to give knowledge about all possible nuclear activities in a large country, they provide opportunities for a free discussion of many aspects of a nuclear programme, explanations of many points not understood, answers to many questions, and informal visits to locations and installations which may be of interest although they are not under safeguards.

Just as the Agency has the obligation to look for any installation or material which should be declared under safeguards, but were not so declared, it also has a duty, in my view, to help dispel erroneous notions that may be disseminated. Although some may prefer the twilight in which speculation becomes easier, the IAEA must seek maximum clarity and be an instrument to achieve it. At the same time the Agency must not, of course, testify to more than it has actually seen and learnt.

I am glad to report to you that the Agency team that visited Iran recently was shown all the locations, buildings and laboratories which it requested to visit and had open and fruitful discussions on the objectives and implementation of the Iranian nuclear activities.

From the Iranian side the wish to maintain openness and transparency was stressed as a means of establishing international confidence and trust in their nuclear programmes. Openness was only meaningful in a two-way approach. That is to say there should be tangible results from such policies. Openness and transparency should have a purpose: to create confidence as a basis for co-operation. While this is understandable, there are also the elements of quantity and time. The openness must be as extensive as is practicable. So

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practiced over a period of time, it is reasonable to expect that it will create confidence. The Agency's role in this process, in my view, is to be ready to serve as an impartial instrument through which the nuclear openness and transparency can be practiced.

Other Verification Activities

In my statement to the Board in February, I said that international interest in, and expectations of the Agency's verification activities seemed likely to grow. I referred, *inter alia*, to the potential use of the Agency verification experience in some of the new arms control measures under discussion.

Recent developments point to a further strengthened interest in the capacities of the Agency. On 16 November 1993, the First Committee of the United Nations General Assembly (UNGA) adopted, without a vote, a resolution which "Recommends the negotiation ... of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices" and which:

"Requests the International Atomic Energy Agency to provide assistance for examination of verification arrangements for such a treaty as and when required."

Three days later, on 19 November 1993, the First Committee adopted, also without a vote, a resolution which welcomed the decisions of the Conference on Disarmament (CD) to give a negotiating mandate to its Ad Hoc Committee on a Nuclear Test Ban and which urges the Conference on Disarmament "to proceed intensively, as a priority task" in

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negotiating "a universal and internationally and effectively verifiable treaty." A draft treaty before the Conference foresees a central verification role for the IAEA.

I think the Board should be apprised of these developments which might turn out to be of great future importance to the Agency. At the present time they require the Secretariat to provide information about the Agency, its capacity and its verification experience.

Plutonium

At the Board in February, I reported that I had convened, last December, a two-day meeting of experts from those Member States that are most heavily involved in the international aspects of the plutonium cycle. The discussion held indicated that issues related to plutonium use and storage were likely to remain important national and international issues. This seems indeed to be the case. In recent months, media attention has focussed frequently on public concern connected with the safety, security and proliferation risks connected with the production, storage, transport and use of plutonium and highly enriched uranium.

Against that background, on 22-23 November, a further informal meeting of experts was convened. Discussion among the experts focused this time on the need for additional confidence-building measures (CBMs) related to plutonium - and highly enriched uranium. There was a wide-ranging discussion about ways of building upon existing norms, agreements and standards to provide additional assurance about safety, physical security and peaceful use of plutonium and highly enriched uranium. There was a convergence of views that the peaceful storing or use of these nuclear materials should be subject to a high degree of

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transparency and that the IAEA might be asked to maintain and publish a register and perhaps also attest the consistency of the information thus made public with the information available to it under the safeguards system. A Secretariat paper which was prepared for the meeting is available to interested Member States from ADEX.

In general terms the experts all accepted the need for additional CBMs and believed the time ripe for discussion in this regard. Member States represented by experts at the meeting intend to take this discussion forward, early next year, possibly within a wider grouping. The Secretariat will naturally be ready, at any time to give whatever help might be considered appropriate from it.

Iraq

Since the last meeting of the Board of Governors the IAEA has carried out its 22nd inspection mission in Iraq and has taken part with the Special Commission in a series of high-level technical talks with the Iraqi authorities. In the course of these talks, significant progress has been made as a result of Iraq's provision of information concerning foreign technical advice in the centrifuge enrichment area and concerning suppliers and quantities and locations of materials and equipment. Iraq has also made revised declarations needed to fully implement the plan for ongoing monitoring and verification approved by the Security Council in resolution 715 (1991). The IAEA is now in the process of verifying the information and declarations.

The latest round of high-level talks was held in New York, in the course of which Mr. Tarik Aziz, the Deputy Prime Minister of Iraq, announced Iraq's acceptance of resolution 715 and the plans approved by the Security Council thereunder. With Iraq's

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formal acceptance of resolution 715, in the view of the Special Commission and the IAEA, a major step towards Iraq's fulfillment of all of its obligations under Section C of resolution 687 (1991) has been achieved. The Commission and the IAEA will proceed to satisfy themselves, as soon as possible, that they are in a position to implement on an ongoing basis and in a satisfactory manner the plans for monitoring and verification and hence to report to the Security Council accordingly.

London Convention

I should like to inform Governors that the 16th Consultative Meeting of Contracting Parties to the London (Dumping) Convention, held early November, decided by qualified majority to transform the voluntary moratorium on dumping of low level radioactive wastes into the high seas - which had been observed by a large number of countries for over 10 years - into a binding prohibition. As a result of that decision, the Annexes of the Convention, which allocate specific responsibilities to the Agency have been amended. The Contracting Parties reaffirmed that the IAEA is the competent body and advisor for all technical matters regarding radioactive wastes, however, the special mandate of the Agency within the Convention has been changed.

A few days before the Meeting of the London Convention, Greenpeace alleged that the Agency had condoned - or defended - the dumping on 16 October of liquid waste by the Russian Federation in the Sea of Japan, and that the Agency having received advance information of the planned operation should have taken steps to avert it.

In a brief aide-memoire distributed to the Meeting of Contracting Parties to the

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London Convention, the Agency clarified that it has neither a depository, secretarial nor a supervisory function. The aide-memoire is available from the Legal Division.

ICTP

I wish to update the Board on developments relating to the leadership of the International Centre for Theoretical Physics at Trieste. As you are aware discussions have been underway for some time to transfer administrative responsibility for ICTP from the Agency to UNESCO. Owing to delays in the ratification procedure, the Agreement between the Agency, UNESCO and the Government of the Republic of Italy concerning that transfer will not come into effect on 1 January 1994 but is expected to take place on 1 January 1995.

Following a tripartite meeting of the Director General of UNESCO, the Italian Minister of Foreign Affairs and myself in April, it was decided to offer Professor Salam a position as President of ICTP. Professor Salam has accepted that offer and has submitted his resignation as Director of ICTP as of 31 December 1993. The Agency is grateful to Professor Salam for his immense contribution for his work at the Centre in Trieste. A Search Committee is being set up to identify suitable candidates for the post of the Director of the Centre.

Financial Issues

I would now like to revert very briefly to financial matters. First of all a report on the Agency's financial situation, which now appears to be stable. Because we took the necessary precautionary measures, reducing the 1993 expenditures by 12%, we are now assured that we will close the year with a positive cash balance. This is also due to the fact

that in large measure Member States have more or less adhered to their established payment patterns. As every year, there may be a cash shortage at the beginning of the new year and I therefore urge Member States, that are in a position to make advance payments of 1994 assessed contributions, to do so. It is also very important that Member States not fall behind their payment schedule and that they transfer their contributions at the earliest possible date. As you know, the financial regulations stipulate payment by the beginning of the financial year.

The continuing situation of substantial arrears from some Member States - which caused us, beginning in 1991, to implement a deferred programme - has again required us to reduce programme implementation in 1994 by 12%. However, I believe we should now plan to return to a "normal" full-year programme implementation, that is, one without a deferred programme in 1995. To achieve this in 1995 and beyond will require an acceleration of the current payment pattern. Also the Board would be asked to authorize the Secretariat to "borrow" cash surpluses, as was first suggested in GOV/2620 of November 1992. Activities deferred from 1994 would only be undertaken once funds for the full 1995 programme were assured. A proposal to this effect will be submitted for the consideration of the A&B Committee - that is, in advance of the earlier decision of the Board that the deferred programme situation be reviewed in December 1994.

Meanwhile, if our prediction of a small 1992 cash surplus (calculated at the end of 1993) materializes, I will also request your approval at the next A&B Committee meeting to use part of that surplus to increase the level of the Working Capital Fund. You will recall that no such increase was approved for 1994, when the matter was discussed by the Board in June, as there was no cash surplus available at that time (i.e. for 1991) to offset the impact

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on Member States. An enlarged Working Capital Fund, along with the possibility of internal borrowing, will mitigate the financial risks inherent in this return to normal programme implementation.



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2 December 1993

PR 93/25

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PRESS RELEASE FOR USE OF INFORMATION MEDIA - NOT AN OFFICIAL RECORD

**IAEA DIRECTOR GENERAL AFFIRMS SAFEGUARDS SYSTEM CANNOT
PROVIDE ASSURANCE OF PEACEFUL USE OF DECLARED NUCLEAR
INSTALLATIONS AND MATERIAL IN DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA (DPRK)**

The Director General of the International Atomic Energy Agency (IAEA), Dr. Hans Blix, says the refusal of the DPRK to permit the IAEA to conduct regular inspections since February has led to a situation in which the system cannot be said at present to provide any meaningful assurance of peaceful use of the DPRK's declared nuclear installations and material. However, the system could be fully or partially restored if co-operation were forthcoming from the DPRK.

In a statement to the Agency's Board of Governors meeting in Vienna 2 December, the Director General reiterated what he had said at the UN General Assembly in New York on 1 November, namely that "IAEA verification activities in the DPRK suggest that some nuclear material exists there which has not been reported to the Agency. Hence, the Agency cannot verify the correctness and assess the completeness of the DPRK's report of material subject to safeguards". This remained the unsolved, central issue. He had also stated in New York that "the longer the Agency is precluded from conducting inspection, the more safeguards-related data deteriorate, and the less assurance safeguards can provide that even the declared facilities are used exclusively for peaceful purposes."

Dr. Blix told the Board: "One month later, I am bound to conclude that the safeguards system which was in place on declared nuclear material and installations in the DPRK cannot be said to provide any meaningful assurance of peaceful use of these installations and this material. This is not to say that the system could not with renewed efforts be fully or partially restored, if co-operation were forthcoming from the DPRK. Nor is it to deny the possible truth of a statement made on 11 November by the First Vice-Minister of Foreign Affairs, Mr. Kang Sok Ju, that the DPRK "totally froze the movement of nuclear material within the DPRK" and that "still now the inspection cameras and seals of the IAEA remain on the nuclear facilities of our country." However, in the absence of verification, such statements offer little assurance."

Concluding on this subject, the Director General said "This is where things stand. The Agency is ready at any time to receive a team from the DPRK for consultations about the whole safeguards issue - including the need for additional information and visits to additional locations. It is also ready to send an inspection team to perform a full range of inspection activities. These activities have been indicated in detail by

the Agency and are of the same kind as the Agency undertook in the DPRK at this time last year without objections by DPRK authorities. They obviously go far beyond maintenance activities, but they do not include the question of additional information and visits to additional locations, about which the Agency is mandated to consult separately with the DPRK."

On other subjects, the Director General made the following main points:

Ukraine: the Ukrainian Foreign Minister has recently confirmed his Government's intention to become a non-nuclear weapon State in the future and expressed the wish of Ukraine to conclude a safeguards agreement applying to "all nuclear materials used for peaceful purposes in Ukraine". The IAEA intends to embark on discussions on a draft safeguards agreement for submission to the Board. The Agency recognizes that the status of nuclear weapons in Ukraine remains to be clarified and that solution of this question may have a bearing on the safeguards agreement.

Iraq: with Iraq's recent formal acceptance of Security Council Resolution 715 (on long-term monitoring) a major step had been achieved towards Iraq's fulfilment of all of its obligations under Section C of the ceasefire Resolution 687 of 1991 in the view of the UN Special Commission on Iraq and the IAEA. They will proceed to satisfy themselves, as soon as possible, that they can implement satisfactorily the monitoring and verification work in Iraq.

Iran: an Agency team headed by Deputy Director General - Safeguards, Mr. Bruno Pellaud, had visited Iran 15-21 November and had seen installations relating to its nuclear programme in Teheran (including Sharif University), Esfahan and Karaj. The team had seen all the locations, buildings and laboratories it wished to visit and had open and fruitful discussions on points of mutual interest. The IAEA had a duty, the Director General said, not only to look for installations which should be declared under safeguards but also to help dispel erroneous notions that may be disseminated. "Although some may prefer the twilight in which speculation becomes easier," said Dr. Blix, "the IAEA must seek maximum clarity and be an instrument to achieve it."

Plutonium: a further informal meeting of experts had taken place 22-23 November at which the need for confidence-building measures related to plutonium and highly enriched uranium was discussed. There had been a convergence of views that the peaceful storing or use of these materials should be subject to a high degree of transparency and that the IAEA might be asked to maintain and publish an appropriate register.

Strengthening of Safeguards: the Agency was embarking on a number of improvements and innovations, including environmental monitoring, and specific offers to co-operate in testing some of the measures discussed had already been received from Australia, Canada, Hungary, Japan and Sweden.

Financial Situation: The Agency will again be obliged by the substantial arrears of some Member States to cut its programme implementation in 1994 by 12 percent.

12/03/93

DECEMBER 1993 BOARD OF GOVERNORS

AGENDA ITEM 5

REPORT BY THE DIRECTOR GENERAL ON THE IMPLEMENTATION
OF THE AGREEMENT BETWEEN THE AGENCY AND THE
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE
APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE
TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS
(INFCIRC/403)

STATEMENT

Mr. Chairman,

The United States strongly supports and commends the impartial efforts and integrity of the Director General and the Secretariat in seeking to fully implement the safeguards agreement still in force between the IAEA and the DPRK. In doing so, the Director General and the Secretariat are acting at the direction of the Board of Governors, and not as the result of "some officials of the IAEA Secretariat" as the DPRK

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claims. The Board of Governors acted decisively and clearly when it passed three resolutions on this issue and referred the situation to the UN Security Council. These resolutions remain in effect. Unfortunately, essential items of these resolutions remain to be implemented because of failure of the DPRK to take necessary steps.

The longer the Agency is precluded from conducting inspections necessary to maintain the continuity of safeguards, the less assurance safeguards can provide that DPRK declared nuclear facilities are being used exclusively for peaceful purposes. We are particularly concerned by the DG's statement that safeguards do not provide any meaningful assurances in the DPRK, but we also note the DG's statement that confidence can be restored with DPRK cooperation. This will allow the Agency to assure the international community that safeguards on declared nuclear material and facilities are effective and will also provide the basis for further U.S.-DPRK discussions.

Mr. Chairman, my country has made it very clear to the DPRK that in order for a third round of talks between the U.S. and DPRK to occur, the DPRK must allow the IAEA to conduct the inspections requested by the IAEA to maintain continuity of safeguards in the DPRK. In this regard, the DPRK's December 1, 1993 response to the IAEA is unacceptable. As the IAEA has stated, maintenance and replacement activities which the Agency

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has are not adequate to provide necessary safeguards assurances. In addition, the DPRK states that problems between the DPRK and IAEA will be "settled gradually" if the DPRK-U.S. talks make progress and the IAEA accepts the DPRK's proposal. Mr. Chairman, it should be clear to everyone, especially the DPRK, that until the IAEA conducts necessary inspections in the DPRK there will be no further U.S.-DPRK talks. The latest DPRK letter fails to recognize this essential point.

Consequently, the United States strongly urges the DPRK to resume full cooperation with the IAEA in conducting inspections required by the IAEA to maintain the continuity of safeguards and in resolving outstanding safeguards issues. Unless necessary inspections are conducted and the continuity of safeguards is maintained, the U.S. will not continue its discussions with the DPRK, and will be forced to return this issue to the United Nations Security Council for further action. We remain committed to working with the DPRK and other interested governments toward a solution which promotes peace and security on the Korean Peninsula and strengthens the non-proliferation regime.

Mr. Chairman, the United States sincerely hopes that the DPRK will respond promptly and favorably to the requests of the Agency and its Board of Governors. We request that the

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Director General report to the UN and to the Board as appropriate on the status of the DPRK's implementation of its safeguards agreement.

Thank you, Mr. Chairman.

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