

FOIA MARKER

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Folder Title:

North Korea Framework [5]

Staff Office-Individual:

Nonproliferation and Export Controls-Aoki, Steven

Original OA/ID Number:

711

Row:	Section:	Shelf:	Position:	Stack:
41	5	6	3	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	information, Steven Aoki to Samuel Berger re Deputies Meeting (2 pages)	03/11/1994	P1/b(1)
001b. paper	re update (1 page)	03/11/1994	P1/b(1)
001c. memo	information, Steven Aoki to Anthony Lake re Principals Meeting (4 pages)	03/11/1994	P1/b(1)
001d. paper	re architecture for third round (4 pages)	03/11/1994	P1/b(1)
001e. memo	Thomas Graham to Samuel Berger et al re Third Round (1 page)	03/08/1995	P1/b(1)
001f. paper	re strategy (2 pages)	03/08/1995	P1/b(1)
001g. paper	re third round presentation (2 pages)	03/08/1995	P1/b(1)
001h. paper	re US reactions (1 page)	03/08/1995	P1/b(1)
002. talking points	re issue summaries (13 pages)	00/00/1994	P1/b(1)
003a. draft	report, re agreed framework implementation (2 pages)	10/00/1994	P1/b(1)
003b. paper	re liaison office (2 pages)	10/27/1994	P1/b(1)
004a. draft	paper, re alternative energy (4 pages)	10/00/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [5]

2009-0528-F

kc1592

RESTRICTION CODES

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

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

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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
004b. memo	re heavy oil deliveries (5 pages)	10/25/1994	P1/b(1)
004c. paper	re funding (1 page)	10/25/1994	P1/b(1)
004d. paper	re spent fuel (15 pages)	10/25/1994	P1/b(1)
004e. draft	re suggested assurance text (1 page)	10/00/1994	P1/b(1)

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001b. paper	re update (1 page)	03/11/1994	P1/b(1)

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Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

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NATIONAL SECURITY COUNCIL PRINCIPALS' COMMITTEE MEETING

DATE: March 14, 1994
LOCATION: SITUATION ROOM
TIME: 5:30 p.m. - 6:30 p.m.

NEXT STEPS ON NORTH KOREA

Agenda

- I. Introduction NSC
- II. Intelligence Update CIA
- III. Diplomatic Update State
- IV. Next Steps State
 - A. Responding to North Korean Actions
 - B. Coordination with South Korea
- V. Discussion All Participants
- VI. Conclusion NSC

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By W NARA, Date 08/20/15

2009-0528-F

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001d. paper	re architecture for third round (4 pages)	03/11/1994	P1/b(1)

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001e. memo	Thomas Graham to Samuel Berger et al re Third Round (1 page)	03/08/1995	P1/b(1)
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001f. paper	re strategy (2 pages)	03/08/1995	P1/b(1)

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001g. paper	re third round presentation (2 pages)	03/08/1995	P1/b(1)

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REMARKS AS PREPARED FOR DELIVERY
BY NATIONAL SECURITY ADVISER ANTHONY LAKE
Pierson College, Yale University
February 24, 1994

It is a pleasure for me to be here at Yale University. It is also an honor to be here as a Dirk Gleysteen Fellow. Dirk, who was in the Pierson class of '51, served for over 30 years in the Foreign Service. Like Winston Lord, our Assistant Secretary of State for East Asia and another Pierson alumnus, Dirk believed in the importance of public service and international engagement.

That is part of my message today. Your generation has arrived at a moment of great opportunity. The Soviet Union has disappeared. South Africa has abolished apartheid. Israel and the PLO have joined in a handshake of hope. And democracy is taking root in some of the world's roughest terrain, from Cambodia to Kyrgyzstan.

At the same time, we must contend with many dangers. Terrorism on our soil and ethnic conflict abroad. Instability within several states of the former Soviet Union. Environmental degradation.

In the face of all these changes -- and in the absence of a single defining threat -- some have suggested that America pull back from the world. But the fact is that the need for American leadership is greater than ever.

Over the past year, we have exercised that leadership and worked to redefine national security in terms that directly benefit Americans in their daily lives. We have opened new markets for our goods and services through NAFTA and GATT. We have worked to enlarge the world's community of market democracies. And we have adapted our security policies to this new era with a sweeping Bottom Up Review of our defense needs.

Yet no challenge is more serious than the one I want to address today: the proliferation of nuclear, biological and chemical weapons and the missiles that can deliver them. This is not a new threat. But with advances in technology and the end of the Cold War, it is a rapidly rising threat.

Weapons of mass destruction pose a direct threat to our interests. They can destabilize entire regions. They can give dictators power on the cheap. They can allow terrorists to hold our very sense of security hostage. Consider how different the Gulf War would have been had Saddam Hussein attacked Israel with

nerve gas. Imagine if the World Trade Center bombers had weapons of mass destruction.

Soon after taking office, President Clinton ordered a comprehensive review of our non-proliferation and export control policies. And from the start of his Administration, we have taken specific actions aimed at controlling and countering weapons proliferation.

We declared a moratorium on nuclear testing and began negotiating a comprehensive test ban. We began working toward an indefinite extension of the Non-Proliferation Treaty. We submitted the Chemical Weapons Convention for Senate ratification. We pressed for an international ban on the production of plutonium and highly-enriched uranium for nuclear weapons purposes. And we have worked to reform our export control system to restrict the sale of dangerous technologies without unfairly burdening U.S. exporters.

At the same time, we have been working actively to reduce the threat of proliferation in specific regions. Indeed, one key test of an effective non-proliferation policy is how deeply it is woven into the fabric of our relations with other nations.

Some of the most dramatic advances have been in the former Soviet Union. In just one year, the President secured commitments from Ukraine, Kazakhstan and Belarus to eliminate the nuclear weapons left in their territory when the Soviet Union dissolved. We persuaded Russia not to sell dangerous missile technology to India and to agree to international guidelines against such sales.

In the Persian Gulf, the U.S. has developed a new policy of dual containment against Iraq and Iran -- both states that seek weapons of mass destruction. In the Middle East, we have sponsored historic arms control and regional security talks.

In South Asia, we have encouraged India and Pakistan to work toward capping and eventually scaling back their nuclear and missile capacities. And we have applauded South Africa's decision to abandon nuclear weapons and its missile development programs.

But while all these efforts deserve our continued vigilance, there is no non-proliferation challenge more serious than that posed by North Korea. This is one of the most pressing national security challenges we face. Today, I want to describe this challenge and the efforts the Clinton Administration is taking to resolve it.

Let me start with the events that shape our role in Korea.

Forty-four years ago, our nation went to war to help turn back communist aggression on the Korean peninsula. We succeeded, but at great cost: tens of thousands of American and United Nations soldiers killed; the Korean countryside devastated and divided. The armed peace on that peninsula remains one of the Cold War's most perilous legacies. North Korea still has over one million men in arms, most of them within 30 miles of the demilitarized zone.

In the decades since that war, South Korea has flourished. On land once pockmarked by shells and covered with rubble, a world-class economy has blossomed. And in recent years, the Republic of Korea has adopted democratic reforms that strengthen the bonds between our nations. South Korea has become a beacon of freedom and opportunity in Asia.

While the South thrived, the communist North became a hermit of history, ignoring the Cold War's end and walling itself off from the world. North Korea's police state stifles the basic freedoms of its people. Its government has supported terrorism against the South. And its failing economy depends on remittances from Koreans abroad and from the sale of deadly weapons.

Indeed, North Korea has become one of the foremost merchants of such weapons, especially to other backlash states. It has sold Scud missiles to Syria and Iran, and is actively marketing its next generation of ballistic missiles.

Most disturbing of all, North Korea has been working for many years to develop a nuclear weapons capability. Given Pyongyang's history of weapons sales and its menacing posture toward the South, we must view the North Korean nuclear weapons program as a national security concern of the first order.

North Korea has for years operated nuclear reactors. One byproduct of such operations is plutonium, a key element for nuclear weapons. In 1992 the International Atomic Energy Agency -- the UN's nuclear watchdog -- began to suspect the North had produced more plutonium than it acknowledged.

Indeed, North Korea may have produced enough plutonium for one or two nuclear devices.

To resolve the discrepancy, the IAEA requested a special inspection of two suspect nuclear waste sites that might provide clues about the plutonium. North Korea refused. And in March 1993, the North announced its intention to withdraw from the Non-Proliferation Treaty, raising even more suspicions about its nuclear program.

The international community called on North Korea to stay in the NPT and to fulfill its non-proliferation commitments.

Based on a UN Security Council resolution, the U.S. agreed to meet with North Korea to seek a resolution to the nuclear issue. After a round of talks last June, the North agreed to "suspend" its NPT withdrawal.

We made it clear at that time that we would meet only if North Korea froze the dangerous aspects of its nuclear program, accepted safeguards and made progress during the talks. Now we have arrived at an important moment. Last week, North Korea apparently agreed to the inspections necessary for continuity of IAEA safeguards. We expect those inspections to take place promptly.

Let me be clear about America's interests here.

Our interests are clearly at stake: in a stable peace in Northeast Asia and in the security of our treaty allies, South Korea and Japan; in preserving the safety of our own troops in South Korea; in preventing the spread of weapons of mass destruction and ballistic missiles; and in maintaining the effectiveness of the international non-proliferation regime.

Our goals have been clear and consistent: a non-nuclear Korean peninsula and a strong international non-proliferation regime. Let me make five points about our strategy to achieve these objectives.

First, let me lay out what we expect from North Korea. In 1985 the North joined the Non-Proliferation Treaty, requiring it to identify all its nuclear-related sites and to accept regular inspections of those and other suspect sites. That is what we call "full-scope safeguards." And in 1991 the North and South signed an accord committing them to the goal of a non-nuclear peninsula.

What we seek now is what the North has explicitly agreed to in the past. We seek their full compliance with the NPT; implementation of full-scope IAEA safeguards, including special inspections; and implementation of the North-South denuclearization agreement.

We cannot be confident North Korea has abandoned its nuclear weapons program unless the IAEA has full access to all relevant sites, declared and undeclared. Our first priority now is to ensure that there is no further diversion of plutonium for weapons purposes. That is why we have insisted on immediate and continuing inspections of the seven declared nuclear sites.

We will also continue to insist that all inspections requested by the IAEA take place. Access to the two suspect nuclear sites, which can disclose important information about North Korea's past actions, will be critical to any solution to the nuclear issue.

My second point is simple: If Pyongyang verifiably freezes its nuclear program and resumes nuclear talks with the South, the U.S. is prepared to engage in a broad and thorough discussion of the issues that divide North Korea from the international community. That would permit movement toward more normal relations.

I would add that this is not a policy shift; since the last Administration, the U.S. has held out the prospect of improved relations if the North abides by internationally accepted standards of behavior.

We recognize the nuclear issue is not the sole source of tension on the Korean peninsula. As the North addresses our concerns about its nuclear program and other matters -- including such issues as the conventional military threat, missile exports, terrorism and human rights -- we can consider steps to improve political and economic relations.

I want to make something clear: Pyongyang's isolation is self-imposed. Indeed, North Korea is coming to a crossroads. Down one path the North can expect continued isolation, insecurity and poverty. Down the other is entry into the community of responsible nations and the chance to give its people the benefits of the global economy. The choice lies with North Korea.

But my third point is this: if North Korea continues to ignore its non-proliferation obligations, we are prepared to turn to options other than negotiations, including economic sanctions. As the President has said, "our goal is not endless discussions, but certifiable compliance." North Korea must understand the price of non-compliance.

My fourth point is that the nuclear issue is not simply or even primarily a bilateral issue between the U.S. and North Korea. It affects the entire region, and other nations have critical roles to play -- including Japan, China and Russia.

For China, the North's nuclear program presents not only a challenge to national interests but a chance to exercise responsible regional diplomacy.

Of course, our most important partner in this effort is South Korea. We have fully coordinated every step we have taken with the South. As the President said to the Korean National

Assembly last July, our commitment to South Korea's security remains unshakable. We recognize that the fate of the Korean peninsula must ultimately be resolved directly between South and North. And we share with the people of the South the faith that Korea will one day be reunified, peacefully and on terms acceptable to the Korean people.

My last point is that we must remain focused on the long term. While we have made some progress, North Korea's pattern over the years has been one of intermittent cooperation and unpredictable hostility. This problem is not likely to disappear, even if it disappears from the front pages.

Even if the North agrees tomorrow to the terms of IAEA inspections, we cannot simply breathe a collective sigh of relief and move on. We will have to move to the next round of talks. North Korea will continue to probe and to try to divide the U.S. from its allies. And so we must remain vigilant, patient and resolute.

As events unfold, we must resist the tendency to lurch from panic to exultation. There is security in steadiness.

The North Korean situation is important to all of us -- especially to those of you who will spend the majority of your lives in the coming century. It is not just about defusing today's crisis. It is about setting tomorrow's precedent.

We must demonstrate that the international non-proliferation regime is not some legal nicety but an active force for security. Because every nation with nuclear ambitions is watching closely.

And we must remember that weapons proliferation, like so many foreign policy issues, is not prone to quick fixes or overnight solutions. This challenge requires hard work -- across party lines, and across generations.

Forty-three years ago this May, Dirk Gleysteen and his classmates walked from the Pierson courtyard into a world still plagued by war and the threat of nuclear annihilation. Today, students like you are coming of age in a new world.

My job is in some small way to help create for you the brightest possible prospects for security and peace. Your part of the deal is simple and vital: to immerse yourselves in study of the wider world, to engage yourselves in the shaping of our foreign policy.

When World War II ended, a few famous Yale graduates -- Dean Acheson, Averell Harriman, Robert Lovett and others -- made the case for international engagement. The efforts of these "Wise Men" paid off with our victory in the Cold War. Now, your

generation, a new generation of wise men and women, must rise to the fore.

I won't ruin this nice evening now by singing "For God, For Country and For Yale." But I will say this: America has arrived at a defining moment in its global leadership. Events in North Korea remind us that we cannot afford to turn inward. For America to be secure and prosperous in the next century, we must choose to reach beyond our borders.

That choice begins with you. I think I know how you will choose, and I am glad for it.

#

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North Korea - Framework [5]

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H Korea

North Korea gets fast payoff; we have to wait.

No. First thing that happens: North Korea freezes all of its existing nuclear program, keeps it under international surveillance.

That means no more plutonium for bombs.

Throughout agreement, they take steps as we and our allies take steps.

Agreement demonstrates leap of faith that North Korea will behave.

Agreement does not rely at all on good faith.

We will monitor. IAEA will monitor.

If North Korea breaks its part of the bargain, it will not get the benefits.

Agreement puts off special inspections for five years.

~~That's better than never, which was the alternative.~~

North Korea committed ^{now} ~~today~~ to comply fully with international safeguards, which would include special inspections. That is new.

Agreement put urgent matters first: freeze on plutonium production, and inspections on current activities. The two waste sites aren't going anywhere.

Agreement is bad precedent.

No. Agreement showed international community won't walk away from proliferation threats.

Agreement commits North Korea to abandon its dangerous nuclear program and comply ~~will~~ ^{with} all international nonproliferation norms.

Not a precedent. Every situation different. Here you have extraordinary abandonment of large nuclear weapons program. Here you see our allies in the region and other countries seeking a strategic opportunity to begin to draw North Korea into the international community.

Agreement is big giveaway.

The LWRs mainly financed by South Korea, Japan and others will help with LWR and other energy supplies. U.S. will provide a few million in the first months.

North Korea does alot under Agreement. Comply fully with nonproliferation norms, freeze and dismantle existing nuclear program, accept international inspections.

The reactors and oil the international community will provide offset energy foregone from North Korea's current nuclear program, which they were under no obligation to give up.

If North Korea doesn't live up to the Agreement, the oil and reactor assistance will stop.

(FYI: Conventional energy assistance will be around \$50 million/year. U.S. to pay under \$6 million within 3 months)

Agreement bribes North Korea to meet its existing obligations.

No. The agreement is in two parts. By living up to past commitments, North Korea avoided UN Security Council action. By going further, freezing and dismantling its current program, North Korea will receive energy assistance.

Agreement props up faltering regime.

Countries closest to North Korea -- our allies South Korea and Japan -- agree with us that our security interests best served by trying to draw North Korea into the international community, not pushing it into desperate acts.

That is in the broader interests of the New Pacific Community I called for last year, promoting democracy and growth in Asia.

Agreement is bad for South Korea and Japan.

Both governments strongly support the agreement.

Secretary of Defense Perry is visiting both countries this week, assuring them of our unshakable security commitment.

Agreement shows US weakness.

To contrary, demonstration of strength of international community consensus that North Korea has reversed course and agreed to comply with nonproliferation commitments.

This reflects the strength of our security commitment to our Asian allies, and our willingness to take the issue to the Security Council when North Korea sought confrontation over agreement.

US was too eager for a deal.

This kind of settlement has been a long term U.S. goal.

The proliferation threat was urgent. North Korea was poised to get much more plutonium for bombs.

This agreement headed off that threat, and meets our national security aims.

US made big concessions.

No concessions in our objectives or principles.

Achieved all our original aims -- commitment to full implementation of North Korea's nonproliferation commitments -- and exceeded them by requiring the freeze and dismantlement of their existing program.

Does Iran get \$4 billion reactor deal?

- Situation is very different. North Korea already had major plutonium programs. Iran program in its infancy.
- Doing a lot to press Iran.
- Message to Iran. We are serious about nonproliferation. We were ready to seek UNSC sanctions.

One or two bombs okay?

- No. North Korea committed to NPT. That bans any nuclear weapons.
- U.S. IAEA and others will monitor that commitment.

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FROM: SCOWCROFT, BRENT
KANter, ARNOLD

DOC DATE: 22 OCT 94
SOURCE REF:

KEYWORDS: NON PROLIFERATION
MP

KOREA NORTH

PERSONS:

SUBJECT: FORUM FOR INTL POLICY BRIEFING PAPER ON NORTH KOREAN NUCLEAR
AGREEMENT

ACTION: APPROPRIATE ACTION

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OCTOBER 21, 1994

FAX COVER SHEET

FROM: BRENT SCOWCROFT & ARNOLD KANTER
SUBJECT: The North Korean Nuclear Agreement

Attached is our Issue Brief on The North Korean Nuclear Agreement. We hope you find it of interest.
Please do not hesitate to call should you have questions or comments.

THE FORUM FOR INTERNATIONAL POLICY

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ISSUE BRIEF

OCTOBER 1994

NUMBER 94-11

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THE NORTH KOREAN NUCLEAR AGREEMENT

On October 21, the United States and North Korea signed an "agreed framework" which is intended to freeze and eventually dismantle the current North Korean nuclear program in exchange for modern light water nuclear reactors (LWRs) and other economic, political, and security benefits. The leadership in Seoul has expressed support for the agreement, but the initial domestic political reaction in South Korea has been critical.

Although the Administration is consulting with the Congress, there are no plans to submit the agreement for formal Congressional approval. The agreement is considered to be complete in the sense that no additional political-level exchanges are seen to be necessary or planned. Four "working groups" will develop and oversee implementation plans.

The agreement consists of an interlocking sequence of steps that each side must take. The main features are:

- Extending the freeze it accepted during the August round, North Korea agreed it would not reprocess the fuel rods it removed from its 5mw reactor earlier this year, and would not refuel and restart that reactor. It also agreed to seal its reprocessing facility.
- North Korea agreed that the fuel rods will be shipped out of the country before the first LWR is completed (in about 8 years). Until then, they will be stored in-country in a manner that will permit safe shipment.
- North Korea agreed that the reprocessing facility (and fuel processing fabrication facility) will be dismantled before the agreement is fully implemented.

- North Korea agreed to freeze construction of the 50mw nuclear reactor (slated for completion next year) and the 200mw nuclear reactor (due to be completed in 1996). If these reactors were to become operational, they could produce enough plutonium for dozens of nuclear weapons per year.
 - North Korea agreed to dismantle these two incomplete reactors, as well as its operational 5mw reactor, before the agreement is fully implemented.
 - It also agreed not to build additional graphite-moderated reactors or related facilities, e.g., other reprocessing plants.

The above actions would deny North Korea the nuclear infrastructure it could use to overtly produce additional plutonium for nuclear weapons.

- North Korea agreed to allow the IAEA access to whatever additional sites and information it requires to resolve "discrepancies" in North Korean declarations about its past nuclear activities. These IAEA "suspect site" inspections are intended to shed light on how much weapons-grade plutonium North Korea may have produced in the past.
 - North Korea would not be obliged to permit the IAEA to conduct its inspections until about five years into the implementation of the agreement.
- The U.S. agreed to organize and lead an international effort to construct a \$4 billion LWR facility in North Korea, probably consisting of two LWRs, with a total capacity of about 2000mw. Abandoning its earlier objections, North Korea has tacitly agreed that these can be South Korean-designed reactors. It may be ten or more years before these LWRs are fully operational.
 - South Korea and Japan are expected to pay the lion's share of the costs. Other countries also may contribute.
 - The LWRs nominally will be provided on the basis of a long-term, no-interest loan which North Korea will repay in barter.
- The U.S. has agreed to organize and lead an international effort to provide interim energy supplies to North Korea in the form of enough heavy oil to produce electricity at a rate of 255mw (i.e., the nominal combined electric generation capacity of the two North Korean reactors under construction and the one in operation) until the LWRs come on line. Heavy oil can be used in power plants and for home heating, but not in most military applications without further refining.

- The oil will be provided on a grant basis. The U.S. plans to provide the first three months' supply. (The Administration believes it already has adequate legal authority to provide and/or pay for this oil shipment.) Thereafter, South Korea and Japan (and perhaps other countries) are expected to provide or pay for the bulk of the oil.
- The U.S. has agreed to the establishment of diplomatic liaison offices in Washington and Pyongyang once several technical issues are resolved by a working group. The U.S. also has agreed to work toward full diplomatic relations, including an exchange of ambassadors, but noted that several other unspecified issues would have to be resolved before that point could be reached.
- The U.S. has agreed to lower barriers to telecommunications and trade.
- The U.S. has agreed to offer a version of the NPT "negative security assurance" to North Korea.
- In response to strongly expressed South Korean concerns, the agreement commits North Korea to resume dialogue with the South and references previously concluded agreements between North Korea and South Korea and the need to implement them, but draws no explicit linkages between specific steps in the North-South channel and this U.S.-North Korea nuclear agreement.

A key milestone in the agreement is the point in the LWR construction process at which significant nuclear components (defined in international guidelines) need to be installed. LWR planning and construction might have been underway for about five years before this point is reached. The agreement provides that:

- No significant nuclear components will be provided until the IAEA has resolved questions about past North Korean nuclear activities to its satisfaction.
- Fuel rods will be shipped out of the country as the significant nuclear components are delivered. All of the fuel rods will be exported before the first LWR becomes operational.
- Dismantling of the current North Korean nuclear infrastructure (the three reactors, the reprocessing facility, and the fuel fabrication facility) will begin as significant nuclear components start to be delivered to the second LWR (about 1 1/2-2 years after the first LWR deliveries begin). Dismantling will be completed before the second LWR becomes operational.

The IAEA will be asked to verify that North Korea is maintaining the freezes on construction, reprocessing, and refueling to which it has agreed.

Observations and Comments

- The agreement reflects the implementation of a strategy to "buy out" North Korea's nuclear program and an apparent willingness of North Korea to "sell" at the agreed price, with all of the advantages and disadvantages inherent in such a strategy.
- The agreement appears to address most of the North Korean nuclear issues of concern to the United States.
- Given the other provisions in the agreement, the LWRs which would be provided are not well suited to support a North Korean nuclear weapons program. LWRs are far less "efficient" producers of plutonium than the reactors the North Koreans now have. They also require enriched uranium for fuel, something the North Koreans could not produce indigenously without a substantial but additional investment. On the other hand, LWRs do produce spent fuel containing plutonium as an inescapable by-product of their operation. North Korea also might be able to obtain enriched uranium outside legitimate international channels.
- The agreement would impose an immediate freeze on the overt North Korean nuclear program, stopping both North Korean production of additional plutonium and expansion of the North Korean plutonium production capacity. Current overt North Korean nuclear capabilities, however, would remain intact for another five or more years, until they begin to be dismantled under the terms of the agreement. It may be a decade or more before that dismantling is completed.
- North Korea will begin to enjoy economic and political benefits from the agreement almost immediately, including the provision of substantial energy supplies on a grant basis. Although Pyongyang in return would accept an immediate and comprehensive freeze on its overt nuclear program, it could postpone implementing its hardest decisions (e.g., dismantling, suspect site inspections, fuel rod exports) for five or more years.
 - The agreement is premised on the assumption that North Korea is prepared to forego its nuclear option--and undermine the longstanding military objectives it supports--in exchange for economic assistance and political acceptance. If,

however, North Korea has only decided (at least for now) to buy some time and breathing space, then one cannot rule out the possibility that as it begins to face implementation of the hard decisions, it might decide to "take the money and run."

- In any event, current and would-be proliferators may conclude that the United States not only is prepared to sign agreements that tolerate non-compliance with international obligations, but seems to be prepared to pay off rather than punish such cheaters.
- IAEA monitoring of the freezes to which North Korea has agreed will begin immediately, but inspections of suspect nuclear sites in North Korea, intended to shed light on past North Korean nuclear activities, may be deferred for about five years. On the one hand, there is no reason to believe that evidence regarding that past behavior will deteriorate further over time. On the other hand, uncertainties about the past behavior--and the leverage North Korea can derive from that uncertainty--will persist for several years.
- Although it may not have been an objective of the agreement, the political recognition and especially the economic assistance (i.e., oil now, electric power later) it provides, may help stave off the collapse of the North Korean regime.
- North Korea's obligations in this agreement are limited to its nuclear program and resumption of the North-South dialogue. Other objectionable North Korean activities are left to later discussion. Given the economic, political, and security benefits Pyongyang will receive under the terms of this agreement, it remains to be seen whether the U.S. has preserved enough leverage to address successfully these other problem areas.
- As difficult as it was to negotiate this agreement, it is only the beginning, not the end. The hardest part probably lies ahead:
 - Under the best of circumstances, full implementation may require ten years or more. A great deal can happen during that time, especially in the case of regimes with track records like Pyongyang's.
 - The ultimate success or failure of the agreement is largely in the hands of others. This includes not only North Korea, but also South Korea and Japan which will be footing most of what will be very large bills.
 - South Korea obviously will play a central role. It is equally clear that the U.S. agreement with North Korea is virtually certain to become and remain a pawn in the complex and highly charged South Korean politics surrounding the unification issue. At a minimum, Seoul will be sorely tempted to exploit its substantial leverage

over the LWR project to press North Korea to engage and compromise in the North-South channel, especially if it suspects that Pyongyang is using the U.S.-North Korea nuclear agreement to drive a wedge between Washington and Seoul. Such dynamics could put the U.S. in the position of having to choose between its South Korean ally and its nuclear non-proliferation objectives.

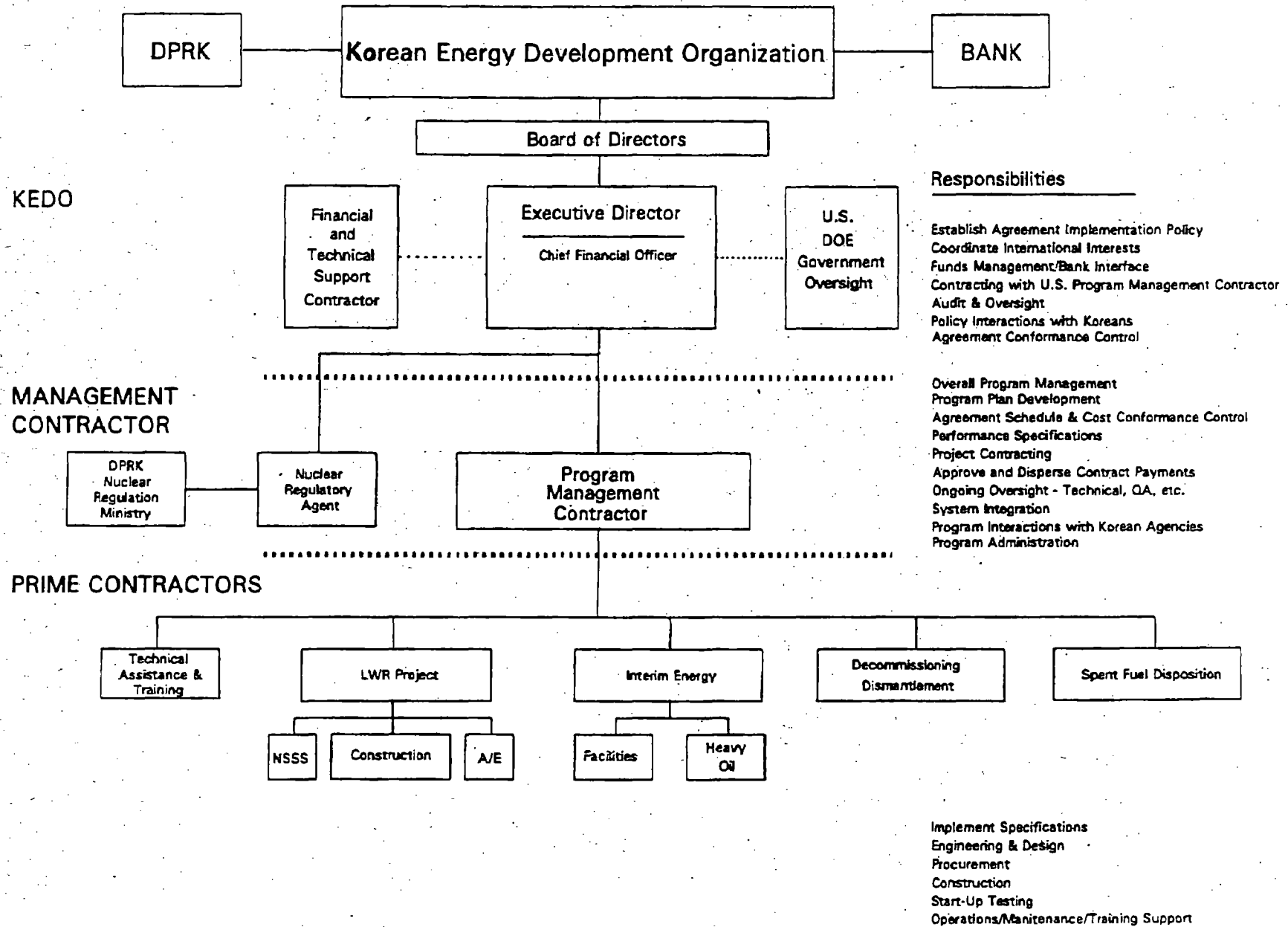
- It will be a major test of American leadership to sustain for the next ten years the stakes these and other key participants have in the success of this agreement

Principal Author

Arnold Kanter is a Senior Associate with The Forum for International Policy. He was Under Secretary for State for Political Affairs from 1991-1993, and Senior Director for Defense Policy and Arms Control at the National Security Council from 1989-1991.

Objectives for KEDO

- U.S. Policy Objectives:
 - Achieve non-proliferation aspects of the DPRK agreement as soon as possible;
 - Obtain broad international funding support;
 - Minimum financial contribution by U.S.;
 - Assure LWR guarantee thru active U.S. project leadership.
- Other Conditions:
 - KEDO to be a small organization;
 - DPRK will not interface directly with ROK;
 - Key LWR equipment supply contracts to ROK.



Functions of Management Organization Reporting to KEDO Executive Director

- Overall program management;
- Agreement schedule & cost control conformance;
- Program plan development;
- Project prime contracting;
- Approve & disperse contract payments;
- On-going project oversight;
- Project interaction with DPRK.

KOREAN ENERGY DEVELOPMENT ORGANIZATION

The following questions have been prepared in order to gain a better understanding of the function and organization of KEDO.

1. Who has the responsibility/lead to establish KEDO? What activities need to be accomplished and by whom?
 - Define KEDO functions and organization;
 - KEDO Charter;
 - Memorandums of Understanding with each of the KEDO participants and actual commitment of funds;
 - Identification and selection of U.S. personnel for Board chairman and executive director;
 - Appointment of U.S. personnel and other participant country board members;
 - Establishment of banking arrangements to receive funds.
2. What does the State see as the functions of KEDO other than to collect and disperse funds for energy development projects?
3. What is KEDO's role in management and oversight of contract & project execution?
4. If the role of KEDO is just to collect and disperse funds, what kind of organizational structure is envisioned?
 - Board of Directors only;
 - with a Treasurer/staff;
 - Executive Director & Technical Staff
5. Does KEDO have any responsibility to the U.S. in meeting its responsibility as guarantor of the construction of LWRs and all other provisions of the agreement?
6. Who and how will projects in KEDO be approved for implementation? Who will review and approve the plans, schedules and cost estimates?
7. How will contracts be entered or banking for multi-billion projects be handled?
8. How will KEDO and any support organization be staffed? US? International staff?
9. What is the role of an Executive Director if KEDO contracts a lead Prime Contractor?

DPRK AGREEMENT QUESTIONS

The following questions are to clarify statements of the agreement.

1. What is meant by the term "supply contract with DPRK"?
2. What is the expected date that contract talks are expected to start?
With whom? Who in the government has the lead role in establishing and conducting the talks?
3. What does the following statement mean and what are the implications/restrictions to implementing the LWR and Oil supply efforts?
"As necessary, the DPRK and the U.S. will conclude a bilateral agreement for cooperation in the field of peaceful uses of nuclear energy."
4. What are the current plans for expert level talks, when, where?
Alternative Energy - oil;
LWR;
Spent Fuel storage/disposition.

Who has the lead for the talks in each area?

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EXCHANGE ON CONSULAR ISSUES

The Government of the United States of America and the Government of the Democratic People's Republic of Korea agree to establish liaison offices in each other's respective countries.

These liaison offices would, pending further progress in overall relations, function in accordance with the terms described herein.

Since both the United States and the Democratic People's Republic of Korea are parties to the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, as a general principle the two governments will conduct relations within the framework of these universally respected international instruments.

The initial official presence of the United States in the Democratic People's Republic of Korea would be a liaison office, the head of which would hold the title of "Chief of the Liaison Office" with the rank of Charge D'Affairs. Officers assigned to the U.S. Liaison office will have diplomatic and consular titles simultaneously.

The United States is prepared to accept the establishment of a comparable liaison office of the Democratic People's Republic of Korea in the United States.

Further discussions would be held early to determine such matters as the initial number of staff to be assigned to the respective liaison offices.

The staff members of the respective liaison offices, and their families forming part of their households, will enjoy all of the facilities, privileges and immunities that are provided for in the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. Based on mutual agreement, the United States of America and the Democratic People's Republic of Korea will pursue provision of appropriate assistance in identifying suitable facilities, and provision of privileges and immunities to other personnel.

Consistent with the purposes of the Vienna Convention on Consular Relations, both governments agree that liaison offices will provide all customary consular services in accordance with the Vienna Convention on Consular Relations, including, but not limited to, full protective citizens services.

Article 73 of the Vienna Convention on Consular Relations provides that "nothing in the present Convention shall preclude States from concluding international agreements confirming or supplementing or extending, or amplifying the provisions thereof."

Consistent with Article 73 of the Vienna Convention on Consular Relations, the functions of consuls recognized in Article 5 and Article 36 of the Convention are hereby clarified as set forth below.

Specifically,

(1) A consular officer of the sending State shall be entitled, in the consular district, to communicate and meet with any national of the sending State, including those individuals who are also nationals of the receiving State, and, when necessary, to arrange for legal assistance and an interpreter. The consular districts of the sending and receiving States shall encompass all territory of the respective States for the performance of consular functions.

(2) The receiving State shall in no way restrict access and communication between a consular officer and a national of the sending State. This communication shall include the use of the postal system, telegrams and internal and international Democratic People's Republic of Korea telephone communications. The United States may release the U.S. liaison office's internal Democratic People's Republic of Korea telephone number (voice and facsimile (fax)) to U.S. citizens in the Democratic People's Republic of Korea and release the U.S. liaison office's international telephone number (voice and facsimile (fax)) to U.S. citizens abroad. The same rights and privileges shall be exercised by the Democratic People's Republic of Korea through its liaison office in the United States.

(3) Both States agree to facilitate travel between their respective countries of persons who possess simultaneously the nationality of the United States of America and the nationality of the Democratic People's Republic of Korea.

(4) Citizens of the sending State entering the receiving State on the basis of sending State travel documents containing receiving State entry visas will, during the period for which their entry has been accorded, and in accordance with the visa's validity, be considered sending State nationals by receiving State authorities for the purposes of ensuring consular access and protection. Such persons shall have the right of departure from the receiving State without further documentation, whether or not they may possess at the same time receiving State nationality. Moreover, such persons shall not lose the right of sending State consular protection or the

right of departure from the receiving State without further documentation if the period of validity for which the status has been accorded has expired during the course of judicial or administrative proceedings which prevent their earlier departure.

(5) Persons residing in the receiving State who are entitled to receive financial benefits from the Government of the sending State shall receive their benefits under mutually agreed arrangements and in accordance with each State's laws and regulations.

(6) The receiving State will notify a consular officer of the sending State immediately, but no later than within 96 hours, of the arrest, detention or any other form of restriction or deprivation of personal liberty/freedom of passport holders of the sending State.

(7) The receiving State will provide a consular officer of the sending State access to a sending State national arrested, detained or otherwise restricted or deprived of personal liberty/freedom within 48 hours of the notification of a consular officer of the sending State.

(8) The visits by a consular officer of the sending State to the sending State national arrested, detained or otherwise restricted or deprived of personal liberty/freedom may be made on a recurring basis. The receiving State shall grant permission for a consular officer to visit the national of the sending State arrested, detained or otherwise restricted or deprived of liberty/freedom as often as a consular officer may deem necessary.

(9) The competent authorities of the receiving State shall immediately inform the sending State national who is subject to arrest, detention or any form of restriction or deprivation of personal liberty/freedom of the rights accorded the national by this exchange of letters and by the provisions of the Vienna Convention on Consular Relations to communicate with a consular officer of the sending State.

(10) A consular officer of the sending State is entitled to provide parcels containing food, clothing, medicine and reading and writing materials to a national who may be subject to arrest, detention or any form of restriction or deprivation of personal liberty/freedom.

(11) A consular officer of the sending State may request the assistance of the authorities of the receiving State in ascertaining the whereabouts of a national of the sending State. The authorities of the receiving State shall in a timely manner provide all relevant and available information.

(12) Whenever authorities of the receiving State learn that a national of the sending State has been hospitalized in the receiving State, they shall immediately notify a consular officer of the sending State.

(13) Whenever authorities of the receiving State learn that a national of the sending State has died in the receiving State, they shall immediately notify a consular officer of the sending State and, upon the officer's request, send a consular officer a copy of the death certificate or other documentation confirming the death. The authorities of the receiving State will provide assistance to a consular officer of the sending State in making appropriate arrangements on behalf of the deceased's family for disposition of the remains, including the repatriation of remains when requested.

(14) A consular officer of the sending State shall be entitled to protect and conserve the estate of a deceased national who died and left personal effects in the jurisdiction of the receiving State. In this connection, a consular officer of the sending State may approach the authorities of the receiving State to assist in protecting the personal effects of the deceased. A consular officer of the sending State shall be entitled immediately to take provisional custody of the money, documents and personal effects that were in the national's possession for transfer to an heir, executor, or other person authorized to receive such property, to the extent permitted by the law of the receiving State.

(15) A consular officer of the sending State shall be entitled to protect and conserve the estate of a deceased national, who died outside of the receiving State, but left personal effects in the receiving State. In this connection, a consular officer may approach the authorities of the receiving State to assist in protecting the personal effects of the deceased. A consular officer of the sending State shall be entitled immediately to take provisional custody of the money, documents and personal effects that were in the national's possession for transfer to an heir, executor, or other person authorized to receive such property, to the extent permitted by the law of the receiving State.

(16) Consistent with Article 38 of the Vienna Convention on Consular Relations, a consular officer of the sending State may, in the exercise of consular functions, contact authorities of the receiving State directly.

The United States looks forward to the early response of the Democratic People's Republic of Korea concurring with these proposals, and fully anticipates that the United States will be able to open its liaison office in the Democratic People's Republic of Korea and that the Democratic People's Republic of Korea will be able to open its liaison office in the United States soon after having received the Democratic People's Republic of Korea's favorable reply.

TALKING POINTS FOR U.S. - D.P.R.K. DISCUSSIONS
CONSULAR ACCESS
FREQUENCY OF VISITS TO DETAINED U.S. NATIONALS

SUMMARY: WHILE INTERNATIONAL PRACTICE IN THIS REGARD MAY NOT BE UNIFORM, U.S. CONSULAR PRACTICE CONSIDERS QUARTERLY VISITS A MINIMUM STANDARD AND, DEPENDING ON A PRISONER'S CONDITION, WOULD SEEK MORE FREQUENT VISITS, E.G. MONTHLY.

U.S. CONSULAR PRACTICE:

A. WE FIRST WANT TO BE CLEAR REGARDING U.S. PRACTICE. WE ALSO WISH TO DISTINGUISH AT THE OUTSET BETWEEN THE NOTIONS OF {1} ALWAYS SEEKING IMMEDIATE ACCESS TO A PRISONER UPON LEARNING OF HIS/HER INCARCERATION AND {2} THEREAFTER ESTABLISHING REASONABLE INTERVALS FOR SUBSEQUENT VISITS. THE FORMER IS A NECESSITY IN EVERY CASE, IN PART, BECAUSE IT ASSISTS IN CLARIFYING THE LATTER, I.E. IN DECIDING WHAT CONSTITUTES AN APPROPRIATE INTERVAL IN A PARTICULAR CASE, AS WILL BE DISCUSSED BELOW. AT ONE TIME {1976-1978}, THE DEPARTMENT REQUIRED THAT PRISONERS BE VISITED MONTHLY. THIS GLOBAL REQUIREMENT WAS CHANGED, EFFECTIVE 8/17/78, TO PERMIT CHIEFS OF MISSION TO DETERMINE APPROPRIATE INTERVALS IN RECOGNITION OF THE FACT THAT STAFFING RESOURCES MIGHT BEST BE CONCENTRATED ON EARLIER INITIAL VISITS AND DURING THE PRE-TRIAL STAGE WHEN PRISONERS ARE ARGUABLY MOST IN NEED OF ASSISTANCE AND ADVICE.

B. CURRENT U.S. CONSULAR PRACTICE, AS STATED IN 7 FAM 441, IS: "AT A BARE MINIMUM EACH CONVICTED U.S. CITIZEN PRISONER SHOULD HAVE THE OPPORTUNITY TO CONFER WITH A CONSULAR OFFICER AT LEAST ONCE EVERY THREE MONTHS." AN EXCEPTION TO THIS POLICY ALLOWING POSTS TO MAKE SEMI-ANNUAL VISITS IS ALLOWED ON A CASE-BY-CASE BASIS, WITH ADVANCE APPROVAL FROM CA, WHEN A PRISONER'S CONDITION CAN BE MONITORED BY PHONE, THE PRISONER HAS NOT HAD A HISTORY OF MEDICAL OR OTHER SPECIAL PROBLEMS, AND THE PRISONER IS INCARCERATED IN AN ENVIRONMENT WHERE HE/SHE IS ABLE TO FUNCTION REASONABLY WELL.

U.S. BILATERAL AGREEMENTS CONCERNING PRISON VISITS

A. OUR RECENT {POST 1970} BILATERAL CONSULAR CONVENTIONS GENERALLY SPECIFY THAT CONSULS BE PERMITTED TO VISIT THEIR INCARCERATED CITIZENS AT INTERVALS NOT EXCEEDING ONE MONTH. THUS, THE 1980 U.S.-CHINA CONSULAR CONVENTION, WHICH HAS BEEN USED AS A POINT OF REFERENCE BETWEEN THE U.S. AND DPRK IN DISCUSSIONS RELATING TO MATTERS OF NOTIFICATION AND ACCESS, PROVIDES: "THE VISITS MAY BE ON A RECURRING BASIS. NO LONGER THAN ONE MONTH SHALL BE ALLOWED TO PASS IN BETWEEN VISITS

REQUESTED BY THE CONSULAR OFFICER." {ART. 35, PARA. 4} THE SAME "INTERVALS OF NOT MORE THAN ONE MONTH" FORMULATION IS REPEATED IN U.S. CONSULAR CONVENTIONS SIGNED WITH HUNGARY {1972}, ROMANIA {1972}, CZECHOSLOVAKIA {1973}, BULGARIA {1974}, YUGOSLAVIA {1988}, AND MONGOLIA {1990} WHEREAS OUR CONVENTION WITH TUNISIA {1988} STATES THAT SUCH VISITS ARE ALLOWED "WITHIN 24 HOURS OF A REQUEST FOR SUCH A VISIT."

"INTERNATIONAL PRACTICE" CONCERNING PRISON VISITS

A. THE 1963 VIENNA CONVENTION ON CONSULAR RELATIONS, WHICH BOTH THE U.S. AND DPRK HAVE JOINED, WHILE STATING THAT THE CONSULAR OFFICER SHALL HAVE THE RIGHT TO VISIT DETAINED NATIONALS, DOES NOT ADDRESS THE INTERVAL AT WHICH SUCH VISITS SHALL OCCUR. MOREOVER, OUR REVIEW OF BILATERAL CONSULAR CONVENTIONS TO WHICH THE U.S. IS NOT/NOT A PARTY INDICATES THAT EVEN WHEN THE MATTER OF INTERVALS IS ADDRESSED THE PARTIES SPEAK IN TERMS WHICH, RELATIVE TO THOSE EMPLOYED BY THE U.S. IN ITS OWN BILATERALS, ARE VAGUE. FOR EXAMPLE, THE AUSTRIA-BULGARIA CONVENTION REFERS TO VISITS "AT APPROPRIATE INTERVALS," AND AGREEMENTS BETWEEN HUNGARY-LAOS {1983}, SPAIN-HUNGARY {1984}, GREECE-GDR {1984}, FRANCE-GDR {1981}, AND HUNGARY-LIBYA {1982} ALL REFER TO "REASONABLE INTERVALS." SIMILARLY, OTHER AGREEMENTS, SUCH AS CZECHOSLOVAKIA'S CONVENTIONS WITH ETHIOPIA {1982} AND GREECE {1984}, RESPECTIVELY, MERELY STATE THAT THE CONSULAR OFFICER SHALL BE PERMITTED "TO MAINTAIN CONTACT" WITH THE INCARCERATED NATIONAL.

POINTS FOR FURTHER DISCUSSIONS WITH DPRK OFFICIALS

A. BEARING IN MIND THAT DISCUSSIONS WITH DPRK OFFICIALS HAVE AS THEIR GOAL ESTABLISHING ACCEPTABLE CUSTOMARY PRACTICES RATHER THAN WORDING A SPECIFIC AGREEMENT, DEPT. SUGGESTS THAT FUTURE DISCUSSIONS NOTE THE FOLLOWING:

FIRST, THERE IS NO/NO STATED, OR TO OUR KNOWLEDGE WIDELY-ADHERED TO, PRACTICE IN THIS REGARD WHICH COULD QUALIFY AS ESTABLISHED INTERNATIONAL PRACTICE. TO THE EXTENT THAT AGREEMENTS TOUCH UPON THIS SUBJECT THEY APPEAR TO ALLOW THE PARTIES FLEXIBILITY IN DECIDING PRECISE INTERVALS BETWEEN PRISON VISITS.

SECOND, THE U.S., HAS GENERALLY SPECIFIED IN ITS BILATERAL CONSULAR CONVENTIONS {CHINA BEING THE EXAMPLE WHICH HAS MOST INTERESTED THE DPRK} THAT INTERVALS OF NO MORE THAN ONE MONTH BE ALLOWED BETWEEN PRISON VISITS.

THIRD, THE USG REGARDS QUARTERLY VISITS AS THE BARE MINIMUM AND OUR WORLD-WIDE, INTERNAL GUIDELINES REQUIRE, WITH LIMITED EXCEPTIONS ALLUDED TO ABOVE, OUR CONSULAR OFFICERS TO CONDUCT SUCH VISITS WITHIN THAT TIME FRAME.

FOURTH, WE REGARD THE QUARTERLY STANDARD AS APPROPRIATE PRIMARILY IN INSTANCES IN WHICH PRISONERS ARE HEALTHY AND FUNCTIONING WELL IN THE PRISON ENVIRONMENT. IT GENERALLY IS INAPPROPRIATE IN THE EARLY STAGES OF AN INDIVIDUAL'S INCARCERATION AND IN ANY INSTANCE IN WHICH THE PRISONER HAS ONGOING MEDICAL OR OTHER PROBLEMS. WE ALWAYS WOULD WISH TO VISIT FREQUENTLY A PRISONER WHOSE PHYSICAL/MENTAL CONDITION IS PROBLEMATIC IN SOME RESPECT.

FIVE, IMMEDIATE ACCESS IS IMPORTANT BECAUSE THE INITIAL VISIT TO A PRISONER IS CRITICAL TO OUR CONSIDERATION AS TO WHAT INTERVAL OUGHT TO OCCUR BEFORE THE NEXT VISIT.

B. IN CONCLUSION, POST SHOULD INFORM DPRK OFFICIALS THAT, ONCE WE HAVE HAD IMMEDIATE INITIAL ACCESS TO A PRISONER, THE QUARTERLY VISITATION SCHEDULE IS THE MINIMUM THAT WE WOULD ACCEPT. OUR EXPECTATION WOULD BE THAT MORE FREQUENT VISITS, AT APPROXIMATE ONE-MONTH INTERVALS CONSISTENT WITH OUR AGREEMENTS WITH OTHER NATIONS, INCLUDING THE PRC, WOULD BE SOUGHT DEPENDING UPON A PRISONER'S CONDITION AND THE STAGE OF THE CASE. BOTH OF THESE ARRANGEMENTS SIMPLY REFLECT OUR WORLD-WIDE CONSULAR PRACTICE AND ARE MOTIVATED BY OUR HUMANITARIAN CONCERN FOR PRISONERS' WELFARE.

C. ATTACHED ARE THE FOLLOWING: {1} BRIEF EXCERPTS OF DEPT.'S INTERNAL GUIDELINES {2} EXCERPTS FROM U.S. BILATERAL CONSULAR CONVENTIONS {3} EXCERPTS FROM OTHER NATIONS' BILATERAL AGREEMENTS. THIS INFORMATION MAY BE PASSED TO DPRK OFFICIALS AS APPROPRIATE.

**PERTINENT EXCERPTS ON FREQUENCY OF CONSULAR ACCESS
FROM U.S. BILATERAL CONSULAR CONVENTIONS**

1. WITH BULGARIA: "These visits shall take place as soon as possible, but, in any case, shall not be refused after the expiration of a period of four calendar days from the date on which such national has been subjected to any form of deprivation or limitation of personal freedom. The visits may be made on a recurring basis, but, subject to local prison regulations, at intervals of not more than one month." (Article 38, Paragraph 5, U.S.-Bulgaria Consular Convention, April 15, 1974; 26 UST 687, TIAS 8067)
2. WITH CHINA: "These visits shall take place as soon as possible, but, at the latest, shall not be refused after two days from the date on which the competent authorities notified the consulate that said national had been placed under any form of detention. The visits may be made on a recurring basis. No longer than one month shall be allowed to pass in between visits requested by the consular officer." (Article 35, Paragraph 4, U.S.-China Consular Convention; 30 UST 17, TIAS 9177)
3. WITH CZECHOSLOVAKIA: "These visits shall take place as soon as possible but in any event shall not be refused after the lapse of a four-calendar-day period from the date when the national was placed under any form of deprivation or limitation of personal freedom. Visits may be made on a recurring basis but at intervals of not more than one month." (Article 36, Paragraph 4, U.S.-Czechoslovakia Consular Convention; TIAS 11083)
4. WITH HUNGARY: "Visits may be made on a recurrent basis and at intervals of not more than one month." (Article 41, Paragraph 4, U.S.-Hungary Consular Convention, July 7, 1972; 24 UST 1141, TIAS 7641)
5. WITH MONGOLIA: "These visits should take place as soon as possible but, in any event, shall be permitted no later than twenty-four hours from the time of notification to the consular post of the sending state. No longer than one month shall be allowed to pass in between visits requested by the consular officer." (Article 37, Paragraph 4, U.S.-Mongolia Consular Convention)

6. WITH ROMANIA: "These visits shall take place as soon as possible, but in any event they shall not be refused after the lapse of a four-day period from the date when he was placed under any form of deprivation or limitation of personal freedom." (Article 22, Paragraph 2, U.S.-Romania Consular Convention, July 5, 1972; 24 UST 1317, TIAS 7643)

7. WITH TUNISIA: "The receiving state shall allow consular officials of the sending state to visit their arrested or detained nationals within twenty-four hours of a request for such visit." (Article 39, Paragraph 2, U.S.-Tunisia Consular Convention)

8. WITH USSR: "A consular officer of the sending state shall have the right without delay to visit and communicate with a national of the sending state who is under arrest or otherwise detained in custody or is serving a sentence of imprisonment. The rights referred to in this paragraph shall be exercised in conformity with the laws and regulations of the receiving state, subject to the proviso, however, that the said laws and regulations must not nullify these rights." (Article 12, Paragraph 3, U.S.-USSR Consular Convention, June 1, 1964)

"It is agreed between the Contracting Parties that the rights specified in paragraph 3 of Article 12 of the Consular consular officer to visit and communicate with a national of the sending state who is under arrest or otherwise detained in custody or is serving a sentence of imprisonment shall be accorded on a continuing basis. (Protocol, Paragraph 3, U.S.-USSR Consular Convention, June 1, 1964; 655 UNTS #9383:213, 19 UST 5018, TIAS 7643)

9. WITH YUGOSLAVIA: "These visits shall be permitted as soon as possible, but not later than five days from the date on which the consular officer has submitted a request for a visit, and on a recurring basis, but at intervals of not longer than one month." (Article 36, Paragraph 7, U.S.-Yugoslavia Consular Convention)

DEPARTMENT OF STATE PRACTICES RELATING TO PRISON VISITS

"Between July 1976 and August 1978 the Department required that each institution at which a U.S. citizen was incarcerated in a foreign country be visited at least once monthly. This global requirement was modified, effective August 17, 1978 permitting Chiefs of Mission to determine the interval between regularly scheduled visits to U.S. citizen prisoners, and thus allowing each Chief of Mission to decide how best to use available resources to achieve the Mission's overall objectives. In granting Chiefs of Mission this discretion, the Department in no way intended to diminish essential services to Americans incarcerated abroad. On the contrary, it was envisaged that in some countries regularly scheduled post-sentencing prison visits at intervals longer than a month would permit earlier initial visits and more frequent visits during the pre-trial stage of a prisoner's confinement when the incarcerated citizen is most in need of advice and assistance." (7 FAM 421.1)

"While frequent visits during the pre-trial stage of confinement are generally more useful than post-conviction visits, prisoners serving sentences should be visited at regularly scheduled intervals....At a bare minimum each convicted U.S. citizen prisoner should have the opportunity to confer with a consular officer at least once every 3 months." (7 FAM 441) (emphasis added)

"In addition to seeking initial access to arrested Americans, consular officers ensure that prisoners are visited regularly, with quarterly visits (at a minimum) required each year. An exception to this policy allows posts to make semi-annual visits when approved by the Bureau of Consular Affairs on a case by case basis. Conditions must be such that the post is able to monitor significant developments by telephone, that no medical or other special circumstances exist which require careful monitoring to ensure the prisoner's wellbeing, that the prisoner has not complained of mistreatment, and that the prisoner is able to function in the local society and legal/penal system by virtue of language fluency, long-term residency or proximity of family, employer or other support mechanisms." (Seventeenth Annual Report to Congress on Americans Incarcerated Abroad, pp. 8-9) (emphasis added)

SURVEY OF INTERNATIONAL TREATIES MENTIONING CONSULAR VISITS

1. Austria-Bulgaria Consular Convention, 1975 14 May
(1040 UNTS 193)

The receiving state must allow officials of the sending state to visit or communicate with a national no later than 4 days after arrest, and at appropriate intervals thereafter.

2. USSR-Yemen Arab Republic Consular Convention, 1985 27 Feb.
(1404 UNTS 196)

Art. 37, Para 3: "Where a national of the sending state has been arrested or otherwise detained or is serving a term of imprisonment, a consular officer shall be entitled to visit and communicate with him without delay."

Protocol, p.199: The rights of the consular officer as provided in Art. 37, Para 3 to visit and communicate with a national imprisoned or under arrest shall be accorded on a continuing basis.

3. USSR-Tunisia Consular Convention, 1984 10 June
(1380 UNTS 153)

Art. 40, Para 3: Consular officer must be allowed to visit an imprisoned national no later than 10 days after arrest.

No mention is made of further visitation rights.

4. USSR-Ecuador Consular Convention, 1984 2 July
(1380 UNTS 202)

"Consular officers have the right to visit, immediately and as often as necessary, a national...who has been...imprisoned."

5. Hungary-Laos Consular Convention, 1983 2 Nov.
(1369 UNTS 141)

Art. 37, Para 4: "The consular officer may visit at reasonable intervals...a national...who has been arrested...or who is serving a sentence of deprivation of freedom."

6. Greece-Czechoslovakia Consular Convention, 1984 3 Aug.
(1369 UNTS 166)

Art. 40, Para 2: "The consular officer shall be entitled to visit, as soon as possible, and to maintain contact with a national..."

7. Greece-GDR Consular Convention, 1984 5 Aug.
(1369 UNTS 342)

Art. 43, Para 2: "A consular officer shall have the right to visit...Such visits may be repeated periodically at reasonable intervals."

8. Spain-Hungary Consular Convention, 1984 8 Aug.
(1366 UNTS 224)

Art. 16, Para 4: "The consular officer shall be entitled to visit, at reasonable intervals, a national...who has been...held for the purpose of serving a sentence..."

9. Hungary-Libya Consular Convention, 1982 21 March
(1343 UNTS 312)

Art. 40, Para 2: "The competent authorities of the receiving state shall, within 7 days after the arrest...afford the consular officer an opportunity to visit the said national and shall enable him to repeat his visits subsequently at reasonable intervals."

10. Belgium-Algeria Consular Convention, 1982 10 March
(UNTS I:21948, v.1318:87)

Art.45, Para 2: "Consular officers may visit a national...who is imprisoned..."

No further mention is made of intervals between visitations

11. USSR-Laos Consular Convention 1982 19 Dec.
(1312 UNTS 145)

Art. 36, Para 3: "Where a national...is serving a term of imprisonment, a consular officer shall be entitled to visit and communicate with him without delay."

Protocol Para 3: "The right of the consular officer, as provided in Art. 36 Para 3 of the Convention, to visit...with a national...while such national is...serving a term of imprisonment shall be accorded on a continuing basis."

12. USSR-Mali Consular Convention 1982 4 Nov.
(1305 UNTS 202)

Protocol Para 3: "The right of a consular officer, as provided for in Art. 36 Para 3 of the Convention, to visit...a national...while such national is...serving a term of imprisonment shall be accorded on a periodical basis."

13. Czechoslovakia-Ethiopia Consular Convention 1982 28 June
(1299 UNTS 169)

Art. 38, Para 2: "The consular officer shall be entitled to visit, as soon as possible, and to maintain contact with a national..."

14. Mexico-GDR Consular Convention 1978 27 April
(1283 UNTS 83)

Art. 34, Para 4: "A consular officer shall have the right to visit a national...who has been...imprisoned by sentence of a court."

No further mention is made of intervals between visitations

15. Yugoslavia-Iran Consular Convention 1981 11 April
(1275 UNTS 489)

Art. 40, Para 4: "In any case where a national of the sending state is serving a sentence of imprisonment, the consular officer shall be entitled to...visit him. This shall be done in conformity with the laws and regulations of the receiving state."

No further mention made of intervals between visitations

16. US-GDR Consular Convention 1981 19 Feb.
(1273 UNTS 183)

Art. 39, Para 5: "The visits may be made periodically, but at intervals of not more than one month."

17. France-GDR Consular Convention 1981 29 Oct.
(1264 UNTS 329)

Art. 36, Para 4: "A consular officer shall have the right to visit a national, who is serving a custodial sentence...Recurrent visits shall be granted at reasonable intervals."

18. USSR-Greece Consular Convention 1980 22 Nov.
(1258 UNTS 183)

Protocol Para 3: "The rights of the consular officer, as provided in Art. 37, Para 3, of the convention, to visit...a citizen...while the latter is...serving a term of imprisonment shall be accorded on a periodic basis."

19. Sweden-Romania Consular Convention 1975 21 June
(1254 UNTS 182)

Art. 12, Para 4: "In any case where a citizen of the sending state is serving a sentence of imprisonment...a consular officer shall be entitled to communicate with and visit him."

No further mention made of intervals between visitations

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004a. draft	paper, re alternative energy (4 pages)	10/00/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
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OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [5]

2009-0528-F
kc1592

RESTRICTION CODES

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

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

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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]

Technical Specifications and Delivery Modalities for Shipment
of Heavy Fuel Oil to the DPRK

The following data is required in order for the USG to facilitate the delivery of heavy fuel oil to the DPRK:

1. Technical specifications for requested heavy oil.

A. Minimal Specifications (general fuel type):
(FYI, U.S. specifications for Number 6 residual fuel oil consist of the following):

<u>Property</u>	<u>ASTM Test Method</u>	<u>Value</u>
Flash Point, minimum degrees Centigrade	D93	60 degrees C
Water and Sediment % volume, maximum	D1796	2.00 percent
Kinematic viscosity at 100 deg. Centigrade	D445	
Minimum		15.0
Maximum		50.0

B. Additional specifications: The following data is required to assure that DPRK requirements are adequately met.

- Sulfur (percent)
- Pour point (degrees Celcius, maximum)
- Metals (Vanadium/Nickel), wt - ppm
- Sodium (Na), wt - ppm
- Pentaine Insolubles (asphaltenes)
- Toluene Soluables (preasphaltenes)
- American Petroleum Institute (API) specific gravity
- Carbon Residue (Conradson Test)

2. Delivery Modalities

A. General information with regard to reciving capabilities at the tanker discharge terminal, such as

Terminal name, terminal location, terminal operator, minimum/maximum vessel length overall, maximum/minimum vessel size (draft/beam/dwt), other vessel size restrictions, lodging method (e.g. alongside wharf, single or multi-point mooring, etc.), number, size and loading rate of hoses or loading arms, ballast discharge facilities, any vessel equipment restrictions, other pertinent information.

B. Port fuel storage capacity and scheduled capacity expansion, if any.

C. Any other information necessary to enable the ship's master to make safe harborage and dockage and comply with applicable regulations.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004b. memo	re heavy oil deliveries (5 pages)	10/25/1994	P1/b(1)

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004c. paper	re funding (1 page)	10/25/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [5]

2009-0528-F
kc1592

RESTRICTION CODES

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

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004d. paper	re spent fuel (15 pages)	10/25/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
OA/Box Number: 711

FOLDER TITLE:

North Korea - Framework [5]

2009-0528-F
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RESTRICTION CODES

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004e. draft	re suggested assurance text (1 page)	10/00/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Steven Aoki (Nonproliferation and Export Controls)
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FOLDER TITLE:

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