

Cambodia, to renew the mission after six months. That would also apply to the United Nations representative in Cambodia whose tenure should correspond to the needs on the ground rather than to any arbitrary time limit.<sup>56</sup>

Other representatives also welcomed the establishment of a team of military liaison officers to report on matters affecting security in Cambodia and to deal with residual military matters relating to the peace

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<sup>56</sup> S/PV.3303, pp. 4-5.

agreements, as well as the Secretary-General's intention to appoint, in consultation with the Government of Cambodia, a representative to coordinate the United Nations presence in the country.<sup>57</sup> They further endorsed the Council's call, urging Member States to continue to assist the Government in achieving its objectives of national reconciliation and rehabilitation.

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<sup>57</sup> Ibid., pp. 3-4 (France); p. 7 (China); pp. 10-11 (New Zealand); and pp. 11-14 (Spain).

## 15. Items relating to the Democratic People's Republic of Korea

### Initial proceedings

#### A. Letter dated 12 March 1993 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

#### Letter dated 19 March 1993 from the Secretary-General addressed to the President of the Security Council

#### Note by the Secretary-General

#### Decision of 8 April 1993: statement by the President

Following consultations held on 8 April 1993, the President made the following statement to the media on behalf of the members of the Council:<sup>1</sup>

The members of the Council take note of the oral statement made on 6 April 1993 and the written report of International Atomic Energy Agency Director General Dr. Hans Blix. They also take note of the letter dated 12 March 1993 of the Permanent Representative of the Democratic People's Republic of Korea to the President of the Security Council, enclosing one from his Foreign Minister with reference to Article X of the Treaty on the Non-Proliferation of Nuclear Weapons.

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<sup>1</sup> S/25562, recorded as a Security Council decision in *Resolutions and Decisions of the Security Council, 1993*, p. 116.

The members of the Council are concerned at the situation which has arisen. In this connection they reaffirm the importance of the Treaty and of the parties to it adhering to it.

The members of the Council also express their support for the Joint Declaration on the Denuclearization of the Korean Peninsula made by the Democratic People's Republic of Korea and the Republic of Korea.

The members of the Council welcome all efforts aimed at resolving this situation and in particular encourage the Agency to continue its consultations with the Democratic People's Republic of Korea and its constructive endeavours for a proper settlement of the nuclear verification issue in the Democratic People's Republic of Korea.

The members of the Council will continue to follow the situation.

#### Decision of 11 May 1993 (3212th meeting): resolution 825 (1993)

By a letter dated 12 March 1993 addressed to the President of the Council,<sup>2</sup> the representative of the Democratic People's Republic of Korea transmitted a letter of the same date from the Minister for Foreign Affairs of the Democratic People's Republic of Korea. In his letter, the Minister for Foreign Affairs informed the Council that the Government of the Democratic People's Republic of Korea had decided, on 12 March 1993, to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, in accordance with paragraph 1 of article X of the Treaty, in connection with the extraordinary situation prevailing

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<sup>2</sup> S/25405.

in the Democratic People's Republic of Korea, which jeopardized its supreme interests. He stated that the United States, together with the Republic of Korea, had resumed the "Team Spirit" joint military exercises, a nuclear war rehearsal, threatening the Democratic People's Republic of Korea. Furthermore, they had instigated some officials of the International Atomic Energy Agency (IAEA) secretariat and certain Member States to adopt an unjust resolution, at the meeting of the IAEA Board of Governors on 25 February 1993. That resolution, he noted, demanded that the Democratic People's Republic of Korea open those military sites having no relevance at all to its nuclear activities, in violation of the IAEA statute, the Safeguards Agreement and the agreement the IAEA had reached with the Democratic People's Republic of Korea. He affirmed that to tolerate such an act would only set a precedent for helping to legitimize both the nuclear threats against the non-nuclear-weapon State parties, and interference in their internal affairs. The Minister hoped that the Council would take note of the decision of the Government of the Democratic People's Republic of Korea to withdraw from the Treaty until the United States nuclear threats and the unjust conduct of IAEA against the Democratic People's Republic of Korea would be recognized to have been removed.

By a letter dated 19 March 1993 addressed to the President of the Security Council,<sup>3</sup> the Secretary-General transmitted to the Council a communication conveyed to him by the Director General of IAEA concerning the implementation of the Safeguards Agreement between the Democratic People's Republic of Korea and the Agency. The communication included a resolution adopted by the IAEA Board on 18 March 1993 and a report by the Director General of IAEA submitted pursuant to a resolution adopted by the Board on 25 February 1993 which, inter alia, called upon the Government of the Democratic People's Republic of Korea to extend full cooperation to IAEA to enable it to fully discharge its responsibilities under the Safeguards Agreement and to respond positively without delay to the Director General's request of 9 February 1993 for access to additional information and two additional sites.

The Director General of IAEA reported that, on 26 February 1993, he had forwarded the text of the resolution to the Democratic People's Republic of

Korea and requested that an inspection team be received. On 10 March, the Democratic People's Republic of Korea informed the Director General that it reserved its consideration of the receipt of the inspection team, referring to the resumption of the joint military exercise "Team Spirit" by the United States and the Republic of Korea and the "state of semi-war" ordered by the Supreme Commander of the Democratic People's Republic of Korea from 9 March. The Director General had replied on the same day, advising that the "state of semi-war" could not impede the implementation of the Safeguards Agreement.

The Director General further reported that he had received a copy of a 12 March statement by the Government of the Democratic People's Republic of Korea declaring its decision to withdraw from the Non-Proliferation Treaty and indicating that that stand would remain unchanged until the United States stopped its nuclear threats against the Democratic People's Republic of Korea and the IAEA secretariat returned to the principle of independence and impartiality. He had written subsequently to the Democratic People's Republic of Korea informing it that the Treaty and the Safeguards Agreement remained duly in force until any withdrawal took effect, that is, after three months' advance notice to all other parties and to the United Nations Security Council. It followed that a declaration of intention to withdraw from the Treaty should not impede the implementation of the Safeguards Agreement. In its reply on 16 March, the Democratic People's Republic of Korea stated that because some officials of the IAEA secretariat had departed from the objectivity and impartiality and joined in a plot by a party in hostilities towards the Democratic People's Republic of Korea, it could not receive the Agency inspection team. The resolution adopted by the Board on 18 March 1993, requested the Director General, inter alia, to continue his efforts and dialogue and to report further on the response of the Democratic People's Republic of Korea to the resolution of 25 February, on 31 March 1993.

By a note dated 12 April 1993,<sup>4</sup> the Secretary-General transmitted to the members of the Security Council a letter dated 6 April 1993 from the Director General of IAEA transmitting his report on behalf of the Board of Governors to the Security Council and the General Assembly concerning

<sup>3</sup> S/25445.

<sup>4</sup> S/25556.

non-compliance of the Democratic People's Republic of Korea with the Safeguards Agreement and on the Agency's inability to verify the non-diversion of material required to be safeguarded, pursuant to a resolution adopted by the Board of Governors of IAEA on 1 April 1993. In that resolution, the Board found, based on the report of the Director General, that the Democratic People's Republic of Korea was in non-compliance with its obligations under its Safeguards Agreement with the Agency, and that the Agency was not able to verify that there had been no diversion of nuclear material required to be safeguarded under the terms of the Safeguards Agreement, to nuclear weapons or other nuclear explosive devices and decided, as required by article XII.C of the statute and in accordance with article 19 of the Safeguards Agreement, to report the findings to the Security Council and the General Assembly of the United Nations.

At its 3212th meeting, on 11 May 1993, the Council included in its agenda the letter dated 12 March 1993 from the representative of the Democratic People's Republic of Korea addressed to the President of the Council, the letter dated 19 March 1993 from the Secretary-General addressed to the President of the Council, and the note by the Secretary-General.

The Council invited the representatives of the Democratic People's Republic of Korea and the Republic of Korea, at their request, to participate in the discussion without the right to vote. The President (Russian Federation) then drew the attention of the members of the Council to the text of a draft resolution submitted by France, Hungary, Japan, New Zealand, the Russian Federation, Spain, the United Kingdom and the United States.<sup>5</sup> He also drew their attention to several other documents.<sup>6</sup>

<sup>5</sup> S/25745.

<sup>6</sup> Letter dated 9 April 1993 from the representative of the Democratic People's Republic of Korea addressed to the President of the Security Council (S/25576); letter dated 12 April 1993 from the representative of Bulgaria addressed to the Secretary-General (S/25581); letter dated 13 April 1993 from representative of Turkey addressed to the Secretary-General (S/25593); letter dated 15 April 1993 from the representative of the Democratic People's Republic of Korea addressed to the President of the Security Council (S/25595); letter dated 4 May 1993 from the representative of Paraguay

The representative of the Democratic People's Republic of Korea, referring to his letter of 10 May 1993,<sup>7</sup> in which he had officially requested the Security Council to consider at this meeting issues related to the abuse by IAEA of the Safeguards Agreement between the Democratic People's Republic of Korea and IAEA, expressed the hope that his request would be considered a formal agenda item, in accordance with the relevant provisions of the Charter and the provisional rules of procedure of the Council. Recalling the statement of his Government issued on 12 March 1993,<sup>8</sup> he pointed out that the major reason which had forced his country to withdraw from the Non-Proliferation Treaty was the fact that the United States kept increasing nuclear threats against it and manipulated some officials at the IAEA secretariat to open its military bases and disarm it. Firstly, the United States had escalated its nuclear threat against the Democratic People's Republic of Korea while maintaining its nuclear weapons deployed in the Republic of Korea, contrary to the fact that the Democratic People's Republic of Korea joined the Treaty and since then had fulfilled its obligations under the Treaty in good faith. Such threat constituted a flagrant violation of the Treaty as well as of Security Council resolution 255 (1968) of 19 June 1968.<sup>9</sup> Secondly, the United States and its followers fabricated the "inconsistencies in principle" between the declarations of the Democratic People's Republic of Korea and the findings of the IAEA. Thirdly, some officials of the IAEA secretariat deviated from the function of officials of the international organization and became servants of the United States by turning over to them the information on the inspection results, in contravention of the IAEA statute. Fourthly, the refusal of the Democratic People's Republic of Korea to allow the Agency's unlawful inspection of the "suspicious locations" was nothing but a sovereign State's full exercise of a fair right, which could never be considered non-compliance with the Safeguards Agreement. Fifthly, since there was no legal or technical ground to discuss the "non-compliance" of

addressed to the Secretary-General (S/25734); letter dated 10 May 1993 from the representative of the Democratic People's Republic of Korea addressed to the President of the Security Council (S/25747).

<sup>7</sup> S/25747.

<sup>8</sup> S/25407, annex.

<sup>9</sup> Adopted at the 1433rd meeting by 10 votes to none, with 5 abstentions (Algeria, Brazil, France, India, Pakistan).

the Democratic People's Republic of Korea with the Safeguards Agreement or its withdrawal from the Treaty, the Security Council should instead discuss without fail the acts of the United States and of some officials of IAEA.

The representative also stated that the withdrawal of the Democratic People's Republic of Korea from the Treaty and the problems in implementing the Safeguards Agreement could not be construed as harming world peace, nor threatening the security of other countries. No legal or technical grounds could be found to discuss the so-called "nuclear problem" at the Security Council. Signing, accession to, termination of and withdrawal from the treaty were legal actions within the sovereign rights of an independent State and no one was entitled to interfere in these. Moreover, the withdrawal of the Democratic People's Republic of Korea from the Treaty was a self-defence measure based on a State's right to withdraw from the Treaty in the exercise of its national sovereignty, in case a State party to the Treaty decides that its supreme interests are threatened.

Turning to the draft resolution, he stated that it was aimed at infringing upon the sovereignty of the Democratic People's Republic of Korea, ignoring the requirements of Article 33 of Chapter VI of the Charter of the United Nations, the statute of IAEA and the norms of international law that disputes should be resolved through dialogue and negotiations. The draft resolution should be rejected, since it was unreasonable and in contravention of Article 2(4) of the Charter and article 3(d) of the IAEA statute, which called for respect of the sovereignty of the Member States. Its adoption would compel the Democratic People's Republic of Korea to take corresponding measures in self-defence. Concluding that the issue could not be solved without comprehensively resolving the nuclear problem of the Korean peninsula, he called upon the United States to withdraw the resolution.<sup>10</sup>

The representative of the Republic of Korea stated that IAEA had referred the matter to the Security Council after having exhausted all means available to it under its statute to resolve the issue. He stated that the characterization of the Democratic People's Republic of Korea of the two sites as military sites did not make them immune from inspection. It was the right of IAEA under the Agreement with the Democratic People's

Republic of Korea to inspect locations which it had bona fide reason to believe were nuclear-related, regardless of whether they were military or not. With regard to the claim made by the Democratic People's Republic of Korea that the "Team Spirit" exercise was a nuclear rehearsal, the speaker reiterated that the exercise was purely defensive in nature and involved conventional weapons only. Finally, the allegation by the Democratic People's Republic of Korea that some officials of the IAEA secretariat were partial and were influenced by an unfriendly party was completely unfounded. He pointed out in that regard that the IAEA Board of Governors had reaffirmed its full confidence in the secretariat in its resolution of 18 March 1993.

The speaker further stated that by refusing IAEA inspections of suspected nuclear sites and deciding to pull out of the Treaty, the Democratic People's Republic of Korea posed a serious threat to international peace and security, in particular the security and stability of north-east Asia and was a blow to past achievements in easing tension on the Korean peninsula, such as the Joint Declaration on the Denuclearization of the Korean Peninsula. It also constituted a threat to the Treaty regime and the IAEA safeguards system. Although it was true that every party had the right to withdraw from the Treaty, it was stipulated that this right could be exercised only when extraordinary events jeopardized supreme national interest.

Recalling the presidential statement adopted at the Security Council summit meeting of 31 January 1992 which provided,<sup>11</sup> *inter alia*, that the members of the Council would take appropriate measures in the case of any violations notified to them by IAEA, the speaker believed that the primary obligation to stop nuclear weapons development by the Democratic People's Republic of Korea rested with the international community as a whole and particularly on the Security Council, which was entrusted with the maintenance of international peace and security under the Charter.<sup>12</sup>

The representative of the United States stated that the issue under discussion by the Council was the failure of the Democratic People's Republic of Korea to adhere to its obligations under a Safeguards Agreement with IAEA and its subsequent

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<sup>10</sup> S/PV.3212, pp. 7-25.

<sup>11</sup> See S/23500.

<sup>12</sup> S/PV.3212, pp. 26-33.

announcement that it intended to withdraw from the Treaty. She emphasized that these disputes concerned international agencies and the international community, not just a single country. Addressing the charges made against the United States by the Democratic People's Republic of Korea, she stated that the United States, like other nations, provided information and technical support to IAEA at the Agency's request to support the implementation of safeguards on nuclear materials and facilities. IAEA had come to its own conclusions about whether countries were complying with safeguards requirements, drawing primarily from information obtained by its own inspectors but taking into account information provided by member Governments. She denied that the United States posed a nuclear threat to the Democratic People's Republic of Korea, indicating that the "Team Spirit" joint military manoeuvres were a purely defensive conventional exercise.<sup>13</sup>

The representative of China, speaking in explanation of vote, expressed the view that the issue concerning the Democratic People's Republic of Korea was mainly a matter between the Democratic People's Republic of Korea and IAEA, between the Democratic People's Republic of Korea and the United States, and between the Democratic People's Republic of Korea and the Republic of Korea. It should therefore be settled properly through direct dialogue and consultation between the Democratic People's Republic of Korea and the three other parties concerned, respectively. China was not in favour of having this issue handled by the Security Council, let alone having a resolution adopted on this issue by the Council. This would only complicate the situation rather than contribute to its appropriate settlement. China would therefore abstain on the draft resolution.<sup>14</sup>

The draft resolution was then put to the vote and adopted by 13 votes to none, with 2 abstentions,<sup>15</sup> as resolution 825 (1993) which reads:

*The Security Council,*

*Having considered* with concern the letter dated 12 March 1993 from the Minister of Foreign Affairs of the Democratic People's Republic of Korea dated 12 March 1993 addressed to the President of the Security Council concerning the intention of the Government of the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear

Weapons and the report of the Director General of the International Atomic Energy Agency,

*Recalling* the statement made by the President of the Council on 8 April 1993 in which the members of the Council welcome all efforts aimed at resolving this situation and, in particular, encourage the Agency to continue its consultations with the Democratic People's Republic of Korea for proper settlement of the nuclear verification issue in the Democratic People's Republic of Korea,

*Noting* in that context the critical importance of the Treaty, and emphasizing the integral role of Agency safeguards in the implementation of the Treaty and in ensuring the peaceful uses of nuclear energy, and reaffirming the crucial contribution which progress in non-proliferation can make to the maintenance of international peace and security,

*Recalling* the Joint Declaration on the Denuclearization of the Korean Peninsula by the Democratic People's Republic of Korea and the Republic of Korea, which includes establishment of a credible and effective bilateral inspection regime and a pledge not to possess nuclear reprocessing and uranium enrichment facilities,

*Noting* that the Democratic People's Republic of Korea is party to the Treaty and has concluded a full-scope safeguards agreement as required by that Treaty,

*Having also considered with regret* the Agency's Board of Governors' findings contained in its resolution GOV/2645 of 1 April 1993 that the Democratic People's Republic of Korea is in non-compliance with its obligations under the safeguards agreement that it concluded with the Agency, and that the Agency is not able to verify that there has been no diversion of nuclear materials required to be safeguarded under the terms of the safeguards agreement on nuclear weapons and other nuclear explosive devices between the Agency and the Democratic People's Republic of Korea,

*Taking note* of the statement made on 1 April 1993 by the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, the depositaries of the Treaty, which questions whether the Democratic People's Republic of Korea's stated reasons for withdrawing from the Treaty constitute extraordinary events relating to the subject-matter of the Treaty,

*Taking note also* of the letter of reply to the Director General of the Agency from the Democratic People's Republic of Korea dated 22 April 1993 which, inter alia, encourages and urges the Director General to hold consultations with the Democratic People's Republic of Korea on the implementation of the safeguards agreement, and noting also that the Democratic People's Republic of Korea has expressed its willingness to seek a negotiated solution to this issue,

*Welcoming* recent signs of improved cooperation between the Democratic People's Republic of Korea and the Agency and the prospect of contacts between the Democratic People's Republic of Korea and other Member States,

<sup>13</sup> Ibid., pp. 33-35.

<sup>14</sup> Ibid., pp. 42-43.

<sup>15</sup> For the vote, see S/PV.3212, p. 44; see also chapter IV.

1. *Calls upon* the Democratic People's Republic of Korea to reconsider the announcement contained in the letter dated 12 March 1993 and thus to reaffirm its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Also calls upon* the Democratic People's Republic of Korea to honour its non-proliferation obligations under the Treaty and comply with its safeguards agreement with the Agency as specified by the Agency's Board of Governors' resolution GOV/2636 of 25 February 1993;

3. *Requests* the Director General of the Agency to continue to consult with the Democratic People's Republic of Korea with a view to resolving the issues which are the subject of the Board of Governors' findings and to report to the Security Council on his efforts in due time;

4. *Urges* all Member States to encourage the Democratic People's Republic of Korea to respond positively to the present resolution, and encourages them to facilitate a solution;

5. *Decides* to remain seized of the matter and to consider further action if necessary.

After the vote, the representative of France said that the current situation made it necessary for the Council to manifest, clearly and unambiguously, its determination to see the emergence of an early settlement. The resolution attested to its resolve to settle a disturbing situation which represented an important disagreement between the Democratic People's Republic of Korea and the whole of the international community and was not a simple bilateral crisis. The text of the resolution was, however, not intended to be threatening and also took into account the prospects for opening up bilateral dialogue in parallel to the multilateral framework. The speaker concluded by saying that the passing of the 12 June deadline, when the withdrawal of the Democratic People's Republic of Korea from the Treaty would become effective, would not exonerate the Democratic People's Republic of Korea and would prompt the Council, as provided in the resolution, to draw all the appropriate conclusions.<sup>16</sup>

The representative of the United Kingdom stated that his delegation did not question the right of States to withdraw from treaties if such withdrawal was in accordance with the provisions of the treaty concerned. Article 10, paragraph 1, of the Non-Proliferation Treaty required that in exercising its national sovereignty a party withdrawing from the Treaty shall give notice of such withdrawal to all other parties to the Treaty and to

the Security Council three months in advance, and that such notice shall include a statement of the extraordinary events, related to the subject matter of the Treaty, which it regarded as having jeopardized its supreme interests. In this connection, he recalled the joint statement issued on 1 April 1993 by the three co-depositaries of the Treaty — the Russian Federation, the United States and the United Kingdom — in which they questioned whether the stated reasons of the Democratic People's Republic of Korea for withdrawal in fact constituted extraordinary events related to the subject matter of the Treaty.<sup>17</sup> He also noted that the Democratic People's Republic of Korea remained bound by its obligation under its safeguards agreement. In his Government's view, it was absolutely essential that this issue be treated multilaterally as well as bilaterally. While accepting that there was an important role for bilateral contacts, he maintained that the issue under consideration was about multilateral disciplines maintained by multilateral organizations such as IAEA. It was therefore absolutely right and proper that the Security Council should play its role in handling that aspect and remain seized of the matter since further action could be considered.<sup>18</sup>

The representative of Pakistan expressed the view that the problem between the Democratic People's Republic of Korea and IAEA had been referred to the Security Council in a rather precipitate manner. His delegation had therefore abstained in the vote on the IAEA Board of Governors' resolution of 1 April 1993, but had endorsed the Council's statement of 8 April 1993 which encouraged a resumption of consultations between the two parties. His delegation had also abstained in the vote on the resolution before the Council, having difficulties with the seventh preambular paragraph and operative paragraph 1. In his delegation's view, the seventh preambular paragraph was inconsistent with the letter and spirit of article X of the Treaty, particularly when read in conjunction with operative paragraph 1 of the resolution. Article X of the Treaty recognized the right of a State Party to withdraw from the Treaty if it decided that extraordinary events related to the subject matter had jeopardized its supreme interests. That decision had been left entirely to the State party concerned.<sup>19</sup>

<sup>17</sup> S/25515, annex.

<sup>18</sup> S/PV.3212, pp. 53-55.

<sup>19</sup> Ibid., pp. 62-64.

<sup>16</sup> S/PV.3212, pp. 47-48.

**B. Note by the Secretary-General  
(S/1994/254)**

**Note by the Secretary-General  
(S/1994/322)**

**Decision of 31 March 1994 (3357th meeting):  
statement by the President**

By a note dated 4 March 1994,<sup>20</sup> the Secretary-General transmitted to the members of the Security Council a letter dated 1 March 1994 from the Director General of IAEA transmitting an addendum to the report of 3 December 1993 of the Director General to the Security Council on the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons. The Director General reported that, following discussions between the Democratic People's Republic of Korea and the United States in December 1993, the authorities of the Democratic People's Republic of Korea indicated to the Agency at the beginning of January that they were ready to accept IAEA inspection of declared nuclear material and installations in the country required to provide "the continuity of safeguards". Since then, several detailed rounds of working-level discussions had taken place between IAEA and the Democratic People's Republic of Korea about activities to be performed during the next inspection of declared nuclear material and installations in that country. During the discussions, the Democratic People's Republic of Korea had referred to what it termed its "unique situation" under the Treaty, a situation in which it had itself defined what inspection activities were necessary to ensure "continuity of safeguards". In the Agency's view, however, it was only for its secretariat to determine which inspection activities were required to meet its technical requirements. The Agency had indicated that the aim of the next inspection would be the acquisition of sufficient data to enable the Agency to verify that there had been no diversion of nuclear material at the seven declared facilities since the last inspections and to take measures as were needed to allow future verification of non-diversion. While the discussions had not brought about agreement regarding the formal basis of the

<sup>20</sup> S/1994/254.

inspection, a detailed list of inspection activities was established and accepted. The Director General noted, however, that the inspection activities which the Agency and the Democratic People's Republic of Korea agreed on related to the seven nuclear facilities declared by the Democratic People's Republic of Korea and did not address the need for access to additional information and locations, nor did they address other activities required to verify the completeness of the country's initial inventory of nuclear material and facilities. The inspection team departed on 26 February with a schedule to arrive on 1 March in Pyongyang.

By a note dated 22 March 1994,<sup>21</sup> the Secretary-General transmitted to the members of the Security Council a further report of the Director General of IAEA, dated 21 March 1994, 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 Non-Proliferation Treaty and the text of a resolution on that issue adopted on the same day by the IAEA Board of Governors. The Director General reported that the inspection activities, in keeping with the agreement reached during consultations on 15 February, had proceeded without difficulty at all facilities except the radiochemical laboratory. Difficulties at the radiochemical laboratory had centred on inspection activities agreed upon and designed to restore continuity of knowledge through taking samples and smears. The Director General noted in that regard that during the inspection, Agency inspectors had asked to carry out only those activities to which the Democratic People's Republic of Korea had agreed. Moreover, with regard to the radiochemical laboratory, the inspection team had agreed to replace some liquid which presented technical problems for the Democratic People's Republic of Korea with smear-sampling; provided that it fulfilled the agreed purpose of the inspection. In discussion and in correspondence with the Democratic People's Republic of Korea, the Agency had made it clear that, if the objectives of the inspection were to be achieved, it was indispensable that the Agency perform all the activities which the Democratic People's Republic of Korea had accepted. It could only be concluded, therefore, that on some points central to the Agency's ability to detect any diversion of nuclear material, the Democratic People's Republic of Korea had disregarded its own

<sup>21</sup> S/1994/322.

commitments. Owing to the restrictions imposed on inspection activities, the Agency inspection team was unable to implement the agreement of 15 February between the Democratic People's Republic of Korea and IAEA with respect to the radiochemical laboratory. The Agency could not, in the absence of the required activities, obtain continuity of knowledge of the operational status of the facility since the last inspection in February 1993. The Director General concluded that the Agency was unable to draw conclusions as to whether there had been either diversion of nuclear material or reprocessing or other operations at the radiochemical laboratory since then.

In the resolution adopted on 21 March, the Board found, *inter alia*, that the Democratic People's Republic of Korea was in further non-compliance with its Safeguards Agreement, had aggravated that situation by not allowing the IAEA inspectors to conduct indispensable inspection activities and that the Agency consequently remained unable to verify that there had been no diversion of nuclear material required to be safeguarded under the terms of the Safeguards Agreement to nuclear weapons or other nuclear explosive devices.

At its 3357th meeting, on 31 March 1994, the Security Council included in its agenda the two notes by the Secretary-General of 4 and 22 March 1994. The Council invited the representatives of Japan and the Republic of Korea, at their request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the members of the Council to several documents.<sup>22</sup> By a letter dated 21 March 1994 addressed to the President of the Council,<sup>23</sup> the representative of the Democratic People's Republic of Korea transmitted a statement by the spokesman for the General Department of Atomic Energy of the Democratic People's Republic of Korea dated 18 March 1994. According to that statement, the inspection was aimed exclusively at maintaining the

continuity of safeguards, as appropriate, given the unique status of the Democratic People's Republic of Korea characterized by the temporary suspension of its declared withdrawal from the Non-Proliferation Treaty. During the bilateral consultations on 15 February 1994, the IAEA secretariat had accepted that the agreed inspection would be an inspection needed for maintaining the continuity of safeguards and the parties reached agreement on the scope of such an inspection. While the inspection was proceeding, the secretariat and the inspection team unilaterally claimed that the inspection was not an inspection necessary for providing the continuity of safeguards but a Safeguards Agreement-bound inspection. They pressed inordinate demands that had no relevance to the aim and character of an inspection designed to verify the absence of nuclear activities and constituted a violation of the agreement reached during consultations. Still, the activities performed by the IAEA inspection team were sufficient to enable the Agency to both fully verify the non-diversion of nuclear material at nuclear facilities in the Democratic People's Republic of Korea and definitely ensure the continuity of the safeguards. By a letter dated 25 March 1994 addressed to the President of the Council,<sup>24</sup> the representative of the Democratic People's Republic of Korea transmitted a further statement by the spokesman for the General Department of Atomic Energy dated 24 March 1994. The statement rejected the findings of the Board of Governors, as expressed in its resolution of 21 March, and declared that the Democratic People's Republic of Korea was under no obligation to accept routine and ad hoc inspections under the Safeguards Agreement, due to the temporary suspension of the effectuation of its withdrawal from the Treaty.

The President then stated that, following consultations among Council members, he had been authorized to make the following statement on behalf of the Council:<sup>25</sup>

The Security Council recalls the statement made by its President on 8 April 1993 and its relevant resolution.

The Council reaffirms the critical importance of International Atomic Energy Agency safeguards in the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the contribution which progress in non-proliferation makes to the maintenance of international peace and security.

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<sup>22</sup> Letters dated 21 February and 29 March 1994, from the representative of the Democratic People's Republic of Korea to the Secretary-General (S/1994/204 and S/1994/358); letters dated 21, 22, 24, and 25 March 1994, from the representative of the Democratic People's Republic of Korea to the President of the Security Council (S/1994/319, S/1994/327, S/1994/337 and S/1994/344); and letter dated 24 March 1994 from the representative of the Russian Federation to the Secretary-General (S/1994/340).

<sup>23</sup> S/1994/319.

<sup>24</sup> S/1994/344.

<sup>25</sup> S/PRST/1994/13.



The Council notes with deep appreciation the efforts of the Director General of the International Atomic Energy Agency and of the Agency to implement the safeguards agreement between the Agency and the Democratic People's Republic of Korea.

The Council reaffirms the importance of the Joint Declaration on the Denuclearization of the Korean Peninsula by the Democratic People's Republic of Korea and the Republic of Korea, and of the parties to the declaration addressing the nuclear issue in their continuing dialogue.

The Council welcomes the joint statement of the Democratic People's Republic of Korea and the United States of America of 11 June 1993, which included the decision of the Democratic People's Republic of Korea to suspend the effectuation of its withdrawal from the Treaty, and the understanding reached between the Democratic People's Republic of Korea and the United States at Geneva in July 1993, and the progress achieved on that basis.

The Council welcomes also the agreements reached in February 1994 between the Agency and the Democratic People's Republic of Korea, and between the Democratic People's Republic of Korea and the United States.

The Council takes note that the Democratic People's Republic of Korea has accepted in principle Agency inspections at its seven declared sites, following its decision to suspend its withdrawal from the Treaty on 11 June 1993 and the statement by the General Department of Atomic Energy of the Democratic People's Republic of Korea.

The Council takes note also of the findings of the Board of Governors of the Agency concerning the matter of compliance and the report of the Director General to the Security Council of 21 March 1994, and expresses its concern that the Agency is, therefore, unable to draw conclusions as to whether there has been either diversion of nuclear material or reprocessing or other operations.

The Council calls upon the Democratic People's Republic of Korea to allow the Agency's inspectors to complete the inspection activities agreed between the Agency and the Democratic People's Republic of Korea on 15 February 1994, as a step in fulfilling its obligations under the safeguards agreement between the Agency and the Democratic People's Republic of Korea and in honouring non-proliferation obligations of the Treaty.

The Council invites the Director General to report further to it on the question of completion of the inspection activities agreed between the Agency and the Democratic People's Republic of Korea on 15 February 1994 when the Director General is scheduled to report on the follow on inspections required to maintain continuity of safeguards and to verify that there has been no diversion of nuclear material required to be safeguarded, as noted in the report of the Director General to the Council.

The Council requests the Democratic People's Republic of Korea and the Republic of Korea to renew discussions whose purpose is implementation of the Joint Declaration on the Denuclearization of the Korean Peninsula.

The Council appeals to those Member States engaged in dialogue with the Democratic People's Republic of Korea to continue that dialogue in accordance with the agreement reached on 25 February 1994.

The Council decides to remain actively seized of the matter and that further Council consideration will take place if necessary in order to achieve full implementation of the safeguards agreement between the Agency and the Democratic People's Republic of Korea.

### **C. Note by the Secretary-General transmitting a letter dated 27 May 1994 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General**

#### **Decision of 30 May 1994 (3383rd meeting): statement by the President**

By a note dated 27 May 1994,<sup>26</sup> the Secretary-General transmitted to the Council a letter of the same date from the Director General of IAEA, following his communication of 19 May in which he had reported, inter alia, that despite Agency requests to the contrary, the Democratic People's Republic of Korea had started operations relating to the refuelling of its 5-megawatt nuclear power reactor without allowing safeguards activities required at the time of the refuelling. The Director General stated that despite extensive discussions held with officials of the Democratic People's Republic of Korea, from 25 to 27 May, in Pyongyang, no agreement had been reached about how to proceed with the implementation of the required safeguards measures. The Democratic People's Republic of Korea had reiterated that it had a unique status and was not duty-bound at all to fully implement the obligations of the Safeguards Agreement. At the same time, the Agency team had noted that the fuel discharge operation at the reactor had been proceeding at a very fast pace. The Director General pointed out, in that regard, that if the discharge operation continued at the same rate, the Agency's opportunity to select, segregate and secure fuel rods for later measurement in accordance with Agency

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<sup>26</sup> S/1994/631.

standards would be lost within days. In such a case, the Agency would not be in a position to verify that all nuclear material in the Democratic People's Republic of Korea that was subject to safeguards was in fact under safeguards.

At its 3383rd meeting, on 30 May 1994, the Security Council included in its agenda the note by the Secretary-General of 27 May 1994. The Council invited the representatives of Japan and the Republic of Korea, at their request, to participate in the discussion without the right to vote. The President (Nigeria) drew the attention of the members of the Council to several documents.<sup>27</sup> By a letter dated 5 May 1994,<sup>28</sup> the representative of the Democratic People's Republic of Korea transmitted answers by a spokesman for the Ministry of Foreign Affairs to questions put forward by the Korean central News Agency. The spokesman stated that the IAEA secretariat was raising an unreasonable demand for selecting, preserving and measuring some fuel at the time of the fuel-rod replacement. The selective measurement of the fuel rod could never be permitted because it meant routine and ad hoc inspections that ignored the unique status of the Democratic People's Republic of Korea following the temporary suspension of the effectuation of its declared withdrawal from the Non-Proliferation Treaty. He further stated that the Democratic People's Republic of Korea would place all the replaced fuel under the control of IAEA and allow its measurement when the nuclear issue was resolved in a package deal at the future talks between the Democratic People's Republic of Korea and the United States.

The President then made the following statement on behalf of the Council:<sup>29</sup>

The Security Council recalls the statements made by its President on 8 April 1993 and 31 March 1994 and its relevant resolution.

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<sup>27</sup> Note by the Secretary-General, transmitting a letter dated 19 May 1994 from the Director General of IAEA to the Secretary-General (S/1994/601); letters dated 28 April and 5 May 1994 from the representative of the Democratic People's Republic of Korea to the President of the Security Council (S/1994/513 and S/1994/540); and letter dated 30 May 1994 from the representative of the Democratic People's Republic of Korea to the President of the Security Council (S/1994/634).

<sup>28</sup> S/1994/540.

<sup>29</sup> S/PRST/1994/28.

The Council has noted the fact that the Democratic People's Republic of Korea has allowed the inspectors of the International Atomic Energy Agency to complete the inspection activities agreed between the Agency and the Democratic People's Republic of Korea on 15 February 1994, thus taking one step in fulfilling its obligations under the safeguards agreement between the Agency and the Democratic People's Republic of Korea and in honouring its non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

The Council reaffirms the critical importance of the Agency's safeguards in the implementation of the Treaty and the contribution which progress in non-proliferation makes to the maintenance of international peace and security.

The Council has considered the letter dated 27 May 1994 from the Director General of the Agency to the Secretary-General, and is gravely concerned by the Agency's assessment that, if the discharge operation at the five-megawatt reactor continues at the same rate, the opportunity of the Agency to select, segregate and secure fuel rods for later measurements in accordance with the Agency's standards will be lost within days.

The Council strongly urges the Democratic People's Republic of Korea to proceed with the discharge operations at the five-megawatt reactor only in a manner which preserves the technical possibility of fuel measurements, in accordance with the Agency's requirements in this regard.

The Council calls for immediate consultations between the Agency and the Democratic People's Republic of Korea on the necessary technical measures.

The Council requests the Director General to maintain the Agency's inspectors in the Democratic People's Republic of Korea to monitor activities at the five-megawatt reactor.

The Council decides to remain actively seized of the matter and that further Council consideration will take place if necessary in order to achieve full implementation of the safeguards agreement between the Agency and the Democratic People's Republic of Korea.

#### **D. Agreed Framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea**

##### **Decision of 4 November 1994 (3451st meeting): statement by the President**

At its 3451st meeting, on 4 November 1994, the Security Council included the item in its agenda. Following the adoption of the agenda, the Council invited the representatives of Japan and the Republic of

Korea, at their request, to participate in the discussion without the right to vote.

The President (United States) then made the following statement on behalf of the Council:<sup>30</sup>

The Security Council recalls the statements made by its President on 8 April 1993, 31 March 1994 and 30 May 1994 and its relevant resolution.

The Council reaffirms the critical importance of International Atomic Energy Agency safeguards in the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the contribution which progress in non-proliferation makes to the maintenance of international peace and security.

The Council notes with satisfaction the agreed framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea as a positive step in the direction of denuclearizing the Korean Peninsula and maintaining peace and security in the region.

The Council notes that the parties to the agreed framework decided: (a) to cooperate in replacing the graphite-moderated reactors and related facilities of the Democratic People's Republic of Korea with light-water reactor power plants; (b) to move towards full normalization of political and economic relations; (c) to work together for peace and security on a nuclear-free Korean Peninsula; and (d) to work together to strengthen the international nuclear non-proliferation regime.

The Council takes note of the decision of the Democratic People's Republic of Korea in the agreed framework to remain a party to the Treaty. It notes also the decision of the Democratic People's Republic of Korea to come into full compliance with the safeguards agreement between the Agency and the Democratic People's Republic of Korea under the Treaty.

The Council underlines that the safeguards agreement remains binding and in force and looks to the Democratic

People's Republic of Korea to act thereon. The Council requests the Agency to take all steps it may deem necessary, following consultations between the Agency and the Democratic People's Republic of Korea with regard to verifying the accuracy and completeness of the initial report of the Democratic People's Republic of Korea on all nuclear material in the Democratic People's Republic of Korea, to verify full compliance by the Democratic People's Republic of Korea with the safeguards agreement.

The Council notes with approval the decision of the Democratic People's Republic of Korea in the agreed framework to freeze its graphite-moderated reactors and related facilities, which is a voluntary measure beyond what is required by the Treaty and the safeguards agreement.

The Council, having received an oral report from the Director General of the International Atomic Energy Agency, notes further that the Agency's monitoring activities with respect to such a voluntary measure are within the scope of verification activities under the safeguards agreement.

The Council requests the Agency to take all steps it may deem necessary as a consequence of the agreed framework to monitor the freeze.

The Council also requests the Agency to continue to report to it on implementation of the safeguards agreement until the Democratic People's Republic of Korea has come into full compliance with the agreement and to report to the Council on its activities related to monitoring the freeze of the specified facilities.

The Council reaffirms the importance of the Joint Declaration on the Denuclearization of the Korean Peninsula by the Democratic People's Republic of Korea and the Republic of Korea, and welcomes the decision of the Democratic People's Republic of Korea to take steps consistently to implement that Declaration and to engage in dialogue with the Republic of Korea, as the agreed framework will help create an atmosphere that promotes such dialogue.

The Council will remain seized of the matter.

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<sup>30</sup> S/PRST/1994/64.