

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

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

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

INITIAL PROCEEDINGS

By a note¹ dated 4 March 1994, the Secretary-General transmitted to the members of the Security Council a letter of the same date from the Director-General of the International Atomic Energy Agency (IAEA) transmitting an addendum to the report of 3 December 1993 by the Director General to the Security Council on the implementation of the Agreement between the Government of the Democratic People's Republic of Korea (DPRK) and the IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The Director-General reported that, following discussions between the DPRK and the United States in December 1993, the authorities of the DPRK 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 DPRK required to provide "the continuity of safeguards". Since then, several detailed rounds of working-level discussions had taken place between the IAEA and the DPRK about activities to be performed during the next inspection of declared nuclear material and installations in the DPRK. During the discussions, the DPRK had referred to what it termed the "unique situation" of the DPRK under the NPT, 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 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 DPRK agreed on related to the seven nuclear facilities declared by the DPRK 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 DPRK'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 note² dated 22 March 1994, the Secretary-General transmitted to the members of the Security Council a letter dated 21 March 1994, from the Director-General of the IAEA, transmitting a further report dated 21 March 1994 on the implementation of the Agreement between the Agency and the DPRK for the application of Safeguards in connection with the NPT and the text of a resolution on that issue adopted 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 DPRK had agreed. Moreover, with regard to the radiochemical laboratory, the inspection team had agreed to replace some liquid which presented technical problems for the DPRK with smear-sampling; provided that it fulfilled the agreed purpose of the inspection. In discussion and in correspondence with the DPRK, 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 DPRK 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 DPRK had disregarded its own commitments. Owing to the restrictions imposed on

¹ S/1994/254.

² S/1994/322.

inspection activities, the Agency inspection team was unable to implement the DPRK/IAEA agreement of 15 February 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 DPRK 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.³ By a letter⁴ dated 21 March 1994 addressed to the President of the Council, the representative of the DPRK transmitted the text of a statement by the Spokesman for the General Department of Atomic Energy of the DPRK 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 DPRK characterized by the temporary suspension of its declared withdrawal from the NPT. During the bilateral consultations on 15 February 1994, the IAEA secretariat had accepted that the agreed inspection would

³ Letters dated 21 February and 29 March 1994, from the Permanent Representative of the DPRK to the Secretary-General (S/1994/204 and S/1994/358); letters dated 21, 22, 24, and 25 March 1994, from the Permanent Representative of the DPRK to the President of the Security Council (S/1994/319, S/1994/327, S/1994/337 and S/1994/344); letter dated 24 March 1994 from the Permanent Representative of the Russian Federation to the Secretary-General (S/1994/340).

⁴ S/1994/319

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 DPRK and definitely ensure the continuity of the safeguards. By a letter⁵ dated 25 March 1994 addressed to the President of the Council, the representative of the DPRK transmitted a further statement by the spokesman of the General Department of Atomic Energy of the DPRK dated 24 March 1994. The statement rejected the findings of the Boards of Governors, as expressed in its resolution of 21 March, and declared that the DPRK, 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 NPT.

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

The President then stated that, following consultations among Council members, he had been authorized to make the following statement⁶ on behalf of the Council:

“The Security Council recalls the statement made by the President of the Council 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.

⁵ S/1994/344

⁶ S/PRST/1994/13.

“The Council notes with deep appreciation the efforts of the Director General of the International Atomic Energy 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 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 of 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 the Security Council 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.”

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

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By a note⁷ dated 27 May 1994, the Secretary-General transmitted to the Council a letter of the same date from the Director-General of the IAEA, following his communication of 19 May in which he had reported that, *inter alia*, despite Agency requests to the contrary, the DPRK had started operations relating to the refueling of its five megawatt nuclear power reactor without allowing safeguards activities required at the time of the refueling. The Director-General stated that despite extensive discussions held with officials of the DPRK, 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 DPRK 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 measures in accordance with Agency standards

⁷ S/1994/631.

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 DPRK 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.⁸ By a letter⁹ dated 5 May 1994, the representative of the DPRK transmitted answers by a spokesman for the Ministry of Foreign Affairs of the DPRK 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 DPRK's unique status following the temporary suspension of the effectuation of its declared withdrawal from the NPT. He further stated that the DPRK 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 DPRK and United States talks.

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

The President then made the following statement¹⁰ on behalf of the Council:

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

⁸ Note by the Secretary-General, transmitting a letter dated 19 May 1994 from the Director-General of the IAEA to the Secretary-General (S/1994/601); letters dated 28 April and 5 May 1994 from the Permanent Representative of the DPRK to the President of the Security Council (S/1994/513 and S/1994/540); and, letter dated 30 May 1994 from the Chargé d'Affaires a.i. of the Permanent Mission of the DPRK to the President of the Security Council (S/1994/634).

⁹ S/1994/540

¹⁰ S/PRST/1994/28.

“The Council has noted the fact that the Democratic People's Republic of Korea has allowed the International Atomic Energy Agency inspectors 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 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.”

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

INITIAL PROCEEDINGS

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.

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

The President (United States) then made the following statement¹¹ on behalf of the Council:

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

“The Security 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 framework¹² 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.

¹¹ S/PRST/1994/64.

¹² Bilateral talks between the DPRK and the United States resulted in an agreed framework signed in Geneva on 21 October 1994. That document included the decision of the DPRK to remain a party to the NPT. It also envisaged, *inter alia*, the following specific functions for the IAEA: to monitor a freeze on the DPRK's graphite-moderated reactors and related facilities, to continue with verification activities at facilities not covered by the freeze and to take measures required with a view to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK.

“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.”