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**IMPLEMENTATION OF THE
AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS
IN CONNECTION WITH
THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS**

1. The summary record of the discussion in the Board of Governors on 23 September 1993 under the agenda item "Agreement between the Agency and the Democratic People's Republic of Korea for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/403)" is reproduced in Attachment 1.
2. Attachment 2 contains remarks concerning that agenda item made by the Director General in the Board of Governors on 21 September 1993.

EXCERPT FROM THE RECORDS OF THE BOARD'S 824th AND
825th MEETINGS

824th meeting

AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (INFCIRC/403) (GOV/2687, GOV/2691)

The CHAIRMAN recalled that the Board had been seized of the matter now before it since February 1993. At its June meetings, the Board had decided - inter alia - to request the Director General to keep it informed about all new significant developments relating to contact and consultations with the Democratic People's Republic of Korea (DPRK). Since those meetings, discussions have taken place between the Secretariat and the DPRK and also between the DPRK and interested Member States. The results of the Secretariat's discussions with the DPRK were the subject of the Director General's report contained in document GOV/2687. Also, the Director General had commented on the matter in the statement made by him on Tuesday, and he now had some additional information for the Board.

The DIRECTOR GENERAL recalled that in his Tuesday statement he had report to the Board on developments in the implementation of the DPRK's safeguards agreement with the Agency which had taken place since the report contained in document GOV/2687 had been issued. He had set out the main points of the DPRK's response of 18 September to the Agency's request to carry out routine and ad hoc inspection activities in the DPRK from 25 September to 9 October and the terms of his reply, of 20 September, to the DPRK Minister of Atomic Energy, Minister Choi. He had said - inter alia - that when the DPRK had suspended "effectuation" of its withdrawal from NPT its obligations as a party to NPT continued. Consequently, the DPRK's safeguards agreement with the Agency remained fully operative and should be implemented fully.

In that connection, the Agency now needed to perform, within a certain time frame, specific safeguards activities essential for full implementation of the agreement. There was a need for Agency inspectors to perform tasks considerably wider in scope than what the DPRK had seemed ready to accept. He had asked Minister Choi for confirmation - no later than 22 September (a date mandated by certain urgent tasks that needed to be performed if safeguards data were not to be lost) - of the DPRK's readiness to receive an Agency inspection team to perform those tasks. With regard to the DPRK's proposal to continue consultations with the Agency in Pyongyang, he had suggested instead that the next round take place in Vienna in connection with the forthcoming General Conference session.

He had received a reply from Minister Choi on 22 September. The main points could be summarized as follows: (i) the Agency "must not unilaterally insist on our acceptance of inspection only, but rather propose appropriate ways and means to find a fair and root-out resolution to the nuclear issue"; (ii) it was already "a confirmed fact" that the "nuclear issue on the Korean peninsula is a political issue generated by the United States... an issue that has now reached such proportions of complexity due to the association by the Agency's certain senior officials with the United States in the latter's policy aimed at strangling the DPRK. This has now led to the on-going process of the bilateral DPRK-USA talks"; (iii) the DPRK was currently in "a unique and extraordinary situation under a temporary suspension of the effectuation of its announced withdrawal from the nuclear Non-Proliferation Treaty. Therefore, issues related to the implementation of the Safeguards Agreement should be discussed seriously through consultations in a close context of the above stated reality"; (iv) the DPRK agreed to the Agency's suggestion that the next round of consultations be held in Vienna and believed that early October would be a good time. The consultations "would address the issue of the Agency's partiality and injustice and the 'inconsistencies' and inspection issue raised by the Agency"; and (v) as for Agency inspections, "we (DPRK) are prepared to accept, at any time, further Agency inspection of such scope as the early August inspection - the maintenance of the safeguards equipment".

In response to those points, a cable had been sent the same day in his (the Director General's) name stating that: (i) the Secretariat welcomed the opportunity to hold

consultations with the DPRK in Vienna in early October and suggested 5-8 October, immediately after the General Conference session. The Secretariat was prepared to continue discussing the DPRK's complaints about "the Agency's lack of impartiality" and how to resolve outstanding inconsistencies; (ii) the Secretariat was aware that the DPRK had been holding discussions with the United States on a number of political issues. However, the only legal basis and guidance for the relations between the Agency and the DPRK was in the safeguards agreement; (iii) the DPRK seemed to suggest that what it described as its "unique and extraordinary situation with regard to a temporary suspension of the effectuation of its withdrawal from the NPT" meant that all issues relating to the implementation of the safeguards agreement were open and negotiable at consultations. It was the Secretariat's view, however, that a distinction should be drawn between, on one hand, the Agency's request for additional information and regarding visits to additional sites (special inspections), about which the Director General was mandated by the Board and the Security Council to consult with the DPRK, and, on the other, the Secretariat's need to perform ad hoc and routine inspection activities with regard to the DPRK's declared nuclear material and installations. The DPRK had stated that it had never taken exception to those latter activities, which had taken place, without difficulty, until the spring of 1993; (iv) as had been indicated previously, unfulfilled inspection activities had been accumulating as a result of the fact that the Agency had been able to perform only limited activities in May and August 1993, and they had become urgent or overdue according to the Agency's standard requirements; (v) if the specified inspection activities did not begin on 27 September, the DPRK would be widening the area of non-compliance and the continuity of important safeguards data would be broken; and (vi) the Secretariat found it hard to understand why the DPRK now had difficulty in accepting the kinds of inspection activity which it had accepted without difficulty earlier in the year. The Secretariat had reiterated its request to the DPRK to accept the inspections as specified by the Agency and hoped to receive an indication, by return telex, of the DPRK's readiness to receive the Agency team to perform the full, specified inspection activities. That would allow the dispatch of the inspection team without further delay and with minimum detriment to safeguards continuity.

As the Board was aware, the Secretariat's position had always been one of readiness to consult with the DPRK at any time and to seek ways and means of resolving existing inconsistencies through access to additional information and locations. Furthermore, although the Secretariat felt that there were no valid grounds for reproach, it had expressed its readiness to discuss with the DPRK authorities any complaints about the Agency's "partiality and injustice". Indeed, extensive discussion of that issue had taken place during the last round of consultations in Pyongyang. It was to be hoped that the next round of consultations would lead to progress on outstanding issues.

The DPRK's positive attitude towards continuing consultations in the near future was not yet matched in its approach to the Agency's request to conduct specified routine and ad hoc inspection activities. The DPRK seemed to take the view that all safeguards implementation was open to negotiation. That was not a tenable position. The DPRK was at present a party to NPT and thus, in accordance with Article 26 of its safeguards agreement with the Agency, that agreement remained fully operative. The Agency therefore had the right and obligation to implement the agreement fully, including carrying out ad hoc and routine inspections of the DPRK's declared nuclear material and facilities. As the Board knew, the activities considered necessary for fulfilling the Agency's responsibilities under safeguards agreements were incorporated in the Safeguards Criteria applied in planning safeguards implementation activities in all States without exception. Those activities had to be performed impartially, systematically and in accordance with a schedule.

He gave some examples illustrating why the scheduled inspection activities were either urgent or overdue. On the basis of the Agency's criteria, the IRT Research Reactor, the critical assembly and the subcritical assembly in the DPRK were each to be inspected once a year. The last inspection had been in May 1992, and the next inspection was now overdue. The Natural Uranium Fuel Fabrication Plant was to be inspected four times a year. Since May 1992 only three inspections had been performed at that facility, the last in November 1992. Again, inspections were overdue and, as a result, the Agency had not yet completed verification of the facility's initial inventory. The situation was similar at a nuclear fuel rod storage facility requiring three inspections a year. So far only one had been

performed - in May 1992 - and so another was urgently needed. In the case of the experimental 5 MW power reactor, the core was under surveillance by a system which required an exchange of films and camera servicing about once every two months. The surveillance films needed to be replaced by 28 September 1993 if continuity of knowledge regarding the reactor core was to be maintained. The Radiochemical Laboratory was shut down at present, and continuity of knowledge of its status was being maintained by containment and surveillance measures. Films needed to be exchanged and cameras serviced by the end of the month.

As the Board would appreciate from what he had said (without disclosing any confidential safeguards information), the activities which now needed to be performed, and which had been specified in detail to the DPRK, should be viewed as an integral whole and not as a set of activities from which one could pick and choose. The DPRK's suggestion was that the activities should be limited to the maintenance of Agency cameras and the checking of seals - which meant inspection at only two facilities. Such restrictions were unacceptable. The Agency would not be able to verify, in accordance with its standard requirements, whether even declared material and facilities in the DPRK remained in peaceful use.

He reiterated that restrictions on routine and ad hoc inspection activities - activities to which the DPRK had stated it had never objected in the past - could not be accepted. Any departure from the systematic programme of activities which the Agency now needed to carry out in respect of the DPRK's declared nuclear material and facilities would prevent it from providing required assurances even with regard to the declared activities.

The latest development was that a telefax message that had just been received by the Secretariat from Minister Choi saying, inter alia: "If the Agency is really serious in its willingness to hold consultation with the DPRK, the Agency must immediately call off adoption of any unjust resolution."

It was now up to the Board to discuss and decide upon appropriate action.

The CHAIRMAN proposed that the meeting be suspended in order to give delegations time to consider the statement just made by the Director General and also the telefax message just received from the DPRK Minister of Atomic Energy.

The meeting was suspended at 11.40 a.m. and resumed at 12.15 p.m.

Mr. de LA FORTELLE (France) recalled that the Agency's inspectors had first discovered inconsistencies in the DPRK's declarations concerning its nuclear material in July 1992.

On 9 February 1993, after discussions lasting several months, during which the Agency had tried to obtain satisfactory explanations from experts in the DPRK, the Director General had decided to request special inspections at two undeclared sites where the Agency had reason to believe there was nuclear waste which, on inspection, might provide information relevant to the unclarified aspects of the DPRK's nuclear programme.

What was being discussed was not simply a matter of procedure. The issue was to find out whether the DPRK possessed undeclared separated plutonium which the Agency could not guarantee would be used only for peaceful purposes.

Following the Agency's request to the DPRK regarding special inspections, the Board had on 25 February adopted a resolution (GOV/2636) calling upon the DPRK to assist the Agency in discharging its responsibilities under the safeguards agreement, provide the Agency with the information it required and grant access to the two undeclared sites.

Instead of providing clarifications as promised, the DPRK announced, on 12 March, that it intended to withdraw from NPT. Subsequently, on 11 June, the DPRK announced that it had decided to suspend effectuation of its withdrawal - in a statement whose ambiguity was still being exploited by the DPRK. In the meantime, on 18 March, the Board had adopted a resolution (GOV/2639) declaring that it was essential and urgent that the DPRK enable the Agency to verify that the DPRK had complied with its obligations under its safeguards agreement with the Agency.

No satisfactory reply having been given by the DPRK, the Board then, on 1 April, adopted a resolution (GOV/2645) stating that the Agency had not been able to verify that

there had been no diversion of nuclear material and that the DPRK was therefore in non-compliance with its safeguards obligations. As required by Article XII.C of the Statute, the Board had reported the matter to the United Nations Security Council.

On 11 May 1993, the Security Council had adopted a resolution (resolution 825 (1993)) calling upon the DPRK to comply with its obligations towards the Agency, requesting both sides to continue consultations with a view to resolving the discrepancies which had emerged - during inspections - between the initial inventory and the findings of the Agency's inspectors, and indicating that if necessary the Security Council might resort to other measures.

In his report during the Board's current session (GOV/2687), the Director General had described the efforts which he had made subsequently to establish a dialogue with the DPRK authorities on implementation of the safeguards agreement and the negative responses which he had received. The DPRK had even gone so far as to state, in its telex of 20 September, that it was "more than enough" to allow inspections solely for maintenance purposes and to replace monitoring equipment.

In the light of the developments he had just recounted, his delegation had drawn a number of conclusions.

First, the DPRK had never provided the technical clarifications which it had promised and which might have made it possible to explain the discrepancies between its declared initial inventory and the measurements performed by the Agency's inspectors on the spot. Furthermore, the DPRK had never agreed to discuss ways of enabling the Agency to clarify the situation, in particular by inspecting the two undeclared sites.

Second, the international community had exercised great patience over a period of months in seeking to engage in a substantive dialogue. For their part, the Director General and the Secretariat had remained open for discussion and had not been discouraged by the repeated refusals. In that regard, since the DPRK had called into question the Agency's impartiality, *his delegation wished once more to express total support for and confidence in the Director General and to reiterate its conviction that the Director General and the*

Secretariat had displayed calmness, technical competence and impartiality in difficult circumstances.

Third, seven months after requesting access in order to carry out special inspections, the Agency was still not in a position to ensure that nuclear material in the DPRK had not been diverted. Moreover, the DPRK had not made it possible for the Agency to carry out the routine and ad hoc inspections provided for in the safeguards agreement under appropriate conditions. His delegation's concern as to why the DPRK refused to clarify its position had increased.

It was not possible to be at the same time both a party and a non-party to NPT. Since the DPRK had decided to suspend effectuation of its withdrawal from NPT, it must comply fully with its provisions. The DPRK was not at liberty to choose which obligations it would accept and which it would not.

The same was true of the safeguards agreement. The DPRK was not free to decide which measures the Agency might or might not apply; nor did it have the right to attach conditions to the implementation of the agreement.

Since 1 April when the Board had found the DPRK to be in non-compliance with its obligations, not only had nothing been done to remedy the situation, but the extent of the DPRK's non-compliance had increased. As to the request made by the Security Council on 11 May, the Agency had done its utmost to initiate the necessary consultations, but its efforts had failed owing to the negative attitude of the DPRK. The Director General, the Secretariat and the Board had tried everything possible to achieve implementation of an agreement by which the DPRK was bound.

The issue at stake was not simply whether the Agency would be able to carry out special inspections in the future; rather, it was a question of the credibility of the entire safeguards system.

The political and technical issues involved had been described with great clarity by the Director General, and it was not longer possible to continue playing cat and mouse. The

Director General should inform the Security Council of the situation, so that the Council could take the measures it considered appropriate.

In the light of the most recent events, it had become even more necessary for all the Agency's Member States to join forces and state clearly in the General Conference that the behaviour of the DPRK posed a serious threat to the non-proliferation regime and thus to global peace and security.

Mr. MENDEN (Germany) said his Government was gravely concerned at the DPRK's continuing refusal to comply with its obligations under its safeguards agreement with the Agency. The situation was a serious challenge to the international non-proliferation regime and the safeguards system as a whole.

Not only had the DPRK not complied with the relevant resolutions adopted by the Board of Governors and the resolution adopted by the Security Council on 11 May 1993, it had exacerbated the situation by objecting to the implementation of routine and ad hoc inspections. Those inspections were indispensable for ensuring that nuclear material at declared sites under safeguards in the DPRK continued to be used for exclusively peaceful purposes. His delegation therefore urged the DPRK to comply with its safeguards obligations and co-operate fully with the Agency to that end.

He commended the patient and impartial efforts which the Director General and his staff had deployed in endeavouring to achieve full implementation of the agreement between the Agency and the DPRK. They enjoyed the full support and confidence of his Government.

His delegation agreed with the Director General that, as long as that agreement remained in force and fully operative, the Government of the DPRK could not at its own discretion decide which of the obligatory inspection activities it was willing to accept. It was deeply disappointing that the attempts made by the Agency and by many Member States, in particular the United States of America, to find a constructive solution through consultation and dialogue had not persuaded the DPRK to comply fully with its obligations. Indeed, the

DPRK had even refused to enter into discussions on the substantive safeguards issues involved.

He welcomed the news that the Government of the DPRK, in a letter to the Agency dated 22 September, had declared its readiness to discuss the "inconsistencies and inspection issues raised by the Agency". It should be borne in mind, however, that such discussions had already taken place before the matter had been placed before the Board, but they had not borne fruit owing to the DPRK's refusal to co-operate in clearing up the inconsistencies which the Agency had discovered. Unfortunately, the most recent communication from the DPRK, in which serious political consequences were threatened if the Board adopted an "unjust resolution", raised serious doubts as to whether any new hope was justified.

His delegation was aware that in previous sessions the Board had fully expended the powers vested in the Agency under its Statute and its safeguards agreement with the DPRK, and that the matter had accordingly been referred to the Security Council. In view of the seriousness and urgency of the situation and the potential consequences for the Agency's safeguards system as a whole, however, his delegation would like the matter placed on the agenda for the forthcoming session of the General Conference; all members of the Board should support the draft resolution submitted in that connection.

Mr. WALKER (Australia), expressing concern about the situation regarding implementation of the Agency's safeguards agreement with the DPRK, said that his delegation fully endorsed the Director General's report in document GOV/2687 and noted that an identical report had been forwarded to the Security Council in accordance with its resolution 825 of 11 May. His Government had full confidence in the Director General and the Secretariat and, in continuing to support their efforts to implement the safeguards agreement with the DPRK, was convinced that they would continue to approach the matter with the impartiality and objectivity which they had demonstrated so far.

His delegation had noted from the Director General's report that the Agency was not yet in a position to verify the correctness and assess the completeness of the DPRK's initial inventory report and that since March, when the Director General had previously reported to the Board, the Agency had not been able to conduct routine and ad hoc inspections

pursuant to the safeguards agreement. In view of the fact that the agreement was still in force, the DPRK should agree to the inspections proposed by the Agency during consultations in Pyongyang earlier that month and by the Director General in his message of the previous day to Minister Choi. Such inspections were not negotiable and could not be made subject to any conditions; they were part of the DPRK's legal obligations under its safeguards agreement. Simply to recall those facts did not constitute hostility towards the DPRK.

His delegation was concerned that no progress had been made towards resolving outstanding substantive safeguards issues at the recent consultations in Pyongyang; the DPRK should address them without delay. Progress on them should be given priority during the round of talks scheduled for early October. His delegation supported the dialogue being pursued by the Director General with the DPRK, which should work with the Agency in trying to resolve the differences which had arisen and to achieve full compliance by the DPRK with its safeguards obligations.

The DPRK's continued non-compliance with its obligations under NPT and its safeguards agreement was a matter of great concern to his Government. The seriousness of the situation had been reflected in the three resolutions adopted by the Board since its meetings in February and the resolution adopted in May by the Security Council, which remained seized of the matter.

International concern would not be satisfied until the DPRK co-operated in full. A country's disregard for its safeguards obligations jeopardized the effectiveness of the Agency's safeguards system, which derived its legal and political basis from the Statute, and was a matter of profound concern to all countries, especially its neighbours - in the present case, the countries of the Asia-Pacific region.

His delegation hoped that the Director General would continue to keep the Board closely informed of developments. It was vitally important to resolve as soon as possible the remaining inconsistencies between the DPRK's declarations and the findings of the Agency's inspectors. To that end, the Director General should continue his efforts to achieve a meaningful dialogue with the DPRK.

Mr. KUME (Japan) reaffirmed his country's support for the actions the Director General and the Agency's staff had taken to implement the Agency's safeguards agreement with the DPRK and its full confidence in their fairness and professional capabilities. Furthermore, he expressed his delegation's appreciation of the efforts made by the Governments of the United States of America and the Republic of Korea to establish bilateral dialogues with the DPRK in support of the ongoing consultations between the Agency and the DPRK.

Having studied the report of the Director General in document GOV/2687 and listened to the statement's made by him during the current week, his delegation was extremely concerned about the inconsistencies between the DPRK's initial inventory report and the Agency's findings. They remained unresolved as the DPRK continued to refuse access to additional information and locations. Moreover, it seemed that the DPRK intended to restrict the Agency's inspection activities to maintenance work and the replacement of safeguards equipment, which corresponded to only part of the DPRK's obligations under its safeguards agreement.

In that connection, his delegation fully shared the view of the Secretariat that, since the DPRK had suspended effectuation of its withdrawal from NPT, the safeguards agreement between the DPRK and the Agency was still fully in force. It followed that the DPRK was still legally obliged to fulfil all - not just some - of the requirements specified in the agreement.

The DPRK, which had yet to implement essential elements of the Board resolutions contained in documents GOV/2636, 2639 and 2645 and of Security Council resolution 825 should respond positively to the request made by the Agency in its telex of 8 September that the DPRK accept routine and ad hoc inspection activities as soon as possible. The DPRK should also start serious discussions with the Agency with a view to solving the outstanding substantive issues at the round of consultations due to be held in Vienna early in October.

Expressing the hope that the matter would be placed on the agenda for the thirty-seventh session of the General Conference, he said it would be the Conference's first opportunity to consider the DPRK's non-compliance with its safeguards agreement.

Mr. ATIENZA (Spain) expressed his delegation's disappointment at the most recent communication received from the DPRK's Minister of Atomic Energy. As a party to NPT, the DPRK was obliged to fulfil all its obligations under that Treaty, including those relating to safeguards and inspections.

The Government of the DPRK was in contravention of international law, and it had also taken the liberty of accusing the Director General of "unfairness" and "partiality" in his efforts to discharge his obligations under the Agency's Statute and under the terms of the safeguards agreement between the Agency and the DPRK. In that connection he wished to emphasize that the Agency and the Director General had the full confidence of his delegation; they had demonstrated extreme patience.

In the present situation, with the DPRK avoiding its international obligations under the pretext of conducting bilateral consultations with third-party States, his delegation considered that the credibility of the whole nuclear non-proliferation system was now at stake. It therefore hoped that the matter would be placed on the agenda for the thirty-seventh session of the General Conference, as envisaged in the draft resolution contained in document GOV/2691.

Mr. PAPADIMITROPOULOS (Greece) said that certain essential elements of the resolutions adopted by the Board and the resolution adopted by the United Nations Security Council had not yet been put into effect. Equally, the plethora of correspondence between the Agency and the DPRK had failed to produce a solution to the outstanding problems. Nevertheless, he commended the Director General and his staff on their efforts and thanked the Director General for the reports he had made to the Board.

Greece remained very concerned about the DPRK's continuing non-compliance with its obligations under its safeguards agreement. With regard to the allegations which the DPRK had levelled against the Agency, he stressed the objectivity and patience which the Agency had shown in its attempts to implement the agreement and resolve the difficulties encountered. The Agency had attracted no adverse criticism concerning its safeguards activities in the many years during which it had been implementing the numerous safeguards agreements currently in force.

Urging the DPRK to co-operate fully with the Agency and to avoid politicization, he said he was particularly disappointed that, as a result of recent developments, it was proving difficult even to implement routine and ad hoc inspections. The Agency had also still not been able to verify that all the DPRK's nuclear material had been declared, and the consultations which had been held had proved fruitless.

His delegation therefore supported the inclusion of the matter in the agenda for the forthcoming session of the General Conference.

Expressing the hope that the DPRK would not pursue the line of action it had threatened in the telefax message received that morning, he said that as long as the DPRK was a party to NPT it ought to abide by its treaty obligations. The DPRK's failure to comply with its obligations should therefore be reported to the Security Council.

In conclusion, he expressed his delegation's support for the Agency and the Director General in all actions they might have to take in order to deal with the matter.

Mr. WALKER (United Kingdom) expressed his Government's concern over the DPRK's continuing refusal to fulfil its obligations vis-à-vis the Agency and the international community.

By its own admission, the DPRK was still bound by NPT and, consequently, by its safeguards agreement with the Agency. There was no grey area between compliance and non-compliance, and the DPRK could not accept some obligations and reject others. Nor could there be any doubt about the nature of the DPRK's obligations, which had been set out with the utmost clarity in three resolutions adopted by the Board and at subsequent meetings with Agency officials.

Pursuant to its Statute, the Agency also had obligations towards the international community, including the obligation to satisfy itself, by means of inspections, that the DPRK had not engaged in activities incompatible with its safeguards agreement, which had been freely entered into. Very properly, the Agency had tried to fulfil that obligation with complete scrupulousness, and he did not agree that in doing so the Agency had been guilty of any injustice or bias vis-à-vis the DPRK. It had consistently acted in accordance with the

Statute and within the parameters set out by the Board's resolutions. The Director General and his staff should be warmly congratulated for their patience, resourcefulness and persistence in the face of a taxing situation.

Regrettably, the situation had deteriorated sharply since the Board's meetings in June. Although only modest progress had been made in clearing up the discrepancies regarding the DPRK's initial inventory, it had been hoped that the Agency would be able to initiate a proper dialogue which would eventually resolve all the outstanding issues. It had also been hoped that regular and ad hoc inspections of DPRK facilities would continue without hindrance. However, from the report of the Director General and the statements made by him on Tuesday and at the start of the current meeting it was clear that new obstacles had been erected. In August, Agency inspectors had met with less than the minimum degree of co-operation in carrying out routine tasks. Another important inspection mission was scheduled for the end of September, and the DPRK did not appear willing to allow it to be carried out properly. That was a matter for great concern, since the Agency might not be able to provide the necessary assurances about the status of nuclear materials and facilities.

A further disturbing development was that the DPRK had imposed new conditions regarding further discussions: the Agency was being required to do penance for its alleged injustice and partiality before discussions could continue. However, that demand could hardly be taken seriously.

Finally, the DPRK seemed to be insisting that talks with the Agency should depend in some way on the progress made in the important bilateral talks between the United States and the DPRK. Although he hoped that progress would be made in both sets of exchanges, there could be no justification for linking the talks between the Agency and the DPRK on the implementation of the safeguards agreement with issues which had nothing to do with the Agency.

The matter under consideration should be discussed fully in the General Conference. That would not be a provocation; the matter was one which the General Conference had not yet had an opportunity to discuss.

Mr. RAMIREZ (Ecuador), expressing his full support for the efforts which the Director General and his staff were making, welcomed the consultations which were being held on both a bilateral and a multilateral basis in order to facilitate implementation of the safeguards agreement between the Agency and the DPRK.

His delegation was concerned that the discussions between the DPRK and the Agency did not seem to have produced any solutions to the outstanding problems. It was also concerned over the inconsistencies between the DPRK's initial declaration and the Agency's own findings, which had still not been clarified, with the result that the Agency was unable to verify the correctness and completeness of the DPRK's initial declaration. Several months had passed, and the Agency had still not been given access to the additional information and sites which, it was hoped, would help resolve those inconsistencies.

Urging the DPRK to co-operate with the Agency, he expressed his full confidence in the impartiality and objectivity of the Agency and the Director General. Also, he stressed the advisability of setting up a nuclear-weapon-free zone in the Korean Peninsula to ensure peace and security in the region.

Mr. MONDINO (Argentina) said that the safeguards agreement between the Agency and the DPRK was still in force following the decision by the Government of the DPRK to suspend effectuation of its withdrawal from NPT and that the agreement should therefore be fully implemented. The Director General's report was therefore cause for great concern, since it revealed that the DPRK was continuing to prevent full implementation of the agreement and was even putting obstacles in the way of routine inspections and Agency participation in refuelling of the 5 MW(e) reactor. Also, no clarification of the inconsistencies between the DPRK's initial declaration and the Agency's findings had as yet been forthcoming.

His country hoped that the DPRK Government would change its attitude, for full implementation of the safeguards agreement was essential in order to ensure transparency of the DPRK's nuclear activities. His delegation fully endorsed the actions which had been taken by the Director General and his staff, whose impartiality and patience it wished to commend.

Mr. OJANEN (Finland) expressed concern that no progress had been made with regard to the proposal that the Agency carry out special inspections in the DPRK - a proposal endorsed by the Board and the Security Council. Even more worrying was the fact that the DPRK had not been helpful with regard to routine and ad hoc safeguards inspections and seemed to be setting conditions which contravened its treaty obligations, thus widening the scope of its non-compliance. The legal situation was clear: the DPRK was still legally bound by the NPT and its safeguards agreement, and it should therefore reconsider its attitude and co-operate fully with the Agency.

The cause of the present state of affairs was clearly the position which the DPRK had adopted. Nevertheless, efforts to engage the DPRK in consultations which might lead to implementation of the resolutions adopted by the Board should continue. Also, all parties in a position to do so should continue their dialogue with the DPRK, although the recent communications received from the DPRK did not augur well in that respect. In addition, the Security Council should be kept informed of all developments.

He expressed full support for the actions taken by the Director General and the Secretariat. There were no grounds for questioning the impartiality and objectivity of the Agency in carrying out its statutory functions or of the Secretariat in implementing the Board's decisions.

The continued disregard shown by the DPRK for its treaty obligations was a serious challenge to the Agency and the non-proliferation regime. In order to bring home to the DPRK the extent of Member States' disapproval, the matter should be placed on the agenda for the forthcoming session of the General Conference.

Mr. LEE (Republic of Korea) commended the Director General and his staff for their efforts with regard to implementation of the safeguards agreement with the DPRK, but expressed concern over the lack of progress achieved.

The inspection situation had deteriorated to the point where the DPRK was attempting to obstruct even routine inspections, which would constitute a widening of its non-compliance. The safeguards agreement which the DPRK had remained fully in force, and

any attempt to enter into negotiations on the terms of its implementation was unacceptable. Also, the inconsistencies - detected already in the summer of 1992 - between the DPRK's initial declaration and the Agency's findings had still not been clarified, and the Agency was thus unable to verify the correctness and completeness of that declaration. Moreover, the authority and integrity of the Agency were being called into question, the various appeals for the DPRK to comply with its obligations were being ignored and, during the recent talks in Pyongyang, the DPRK had refused to enter into discussions on outstanding safeguards problems and had demanded an apology from the Agency and the rescinding of Board resolutions.

If such actions were left unchallenged, they could undermine the whole safeguards system. The efforts at dialogue had produced few results and, given the recent declarations of the DPRK, it seemed somewhat foolhardy to expect any improvement in the situation. The bilateral negotiations between the DPRK and the Republic of Korea and between the DPRK and the United States were also not proving fruitful.

Under the circumstances, it was imperative that the Board reconfirm its full confidence in the Director General and the Secretariat and endorse their actions. It should also call upon the DPRK to reconsider its position, implement the safeguards agreement, and allow routine and ad hoc inspections. It should urge the DPRK to enter into meaningful consultations with the Agency over outstanding safeguards issues, such as the inconsistencies between the DPRK's initial declaration and the Agency's findings and the special inspections which had been requested. In addition, it should encourage the Director General and the Secretariat to continue their efforts to implement the safeguards agreement. Lastly, it should request the General Conference to place the matter on the agenda for its forthcoming session.

In conclusion, he expressed the hope that the draft resolution in document GOV/2691 would be adopted by the Board without a vote.

Mr. McRAE (Canada), expressing his delegation's regret over the lack of progress since the Board's June session, said that the Director General's statement to the effect that the DPRK's failure to co-operate could jeopardize the validity of safeguards-related data, with the result that the issue of the DPRK's non-compliance could take on a

wider significance, was particular cause for concern. Also, the recent exchange of telefaxes between the Agency and the DPRK had signalled a further deterioration in the situation.

The allegations which the DPRK had made regarding the Secretariat's "partiality" and "misconduct" were completely unacceptable to the Canadian Government. The Agency worked to advance the interests of all Member States and operated within the parameters set by - and in accordance with the decisions taken by - its governing bodies. Thus, it acted on behalf of the international community and, that being so, the DPRK's quarrel was with the international community and not with the Agency's Secretariat. It was the DPRK's responsibility to resolve with the Agency the technical questions which had arisen regarding the implementation of its safeguards agreement, and to avoid politicization of the issue.

He endorsed the view of the Agency that the agreement with the DPRK remained in force, and was encouraged to note that the official statements of the DPRK authorities suggested that the latter were also of that view. Given the fact that the agreement remained in force, its implementation could not be made subject to negotiations or conditions.

The ramifications of the issue went beyond the Board's area of responsibility, and it was therefore appropriate that it be addressed in the broader international political forum of the General Conference.

Mr. YUN (Democratic People Republic of Korea)*, reserving the right to speak again later in the Board's discussion, said that the DPRK had, both prior to and during the February 1993 meetings of the Board, proposed resolving the technical problems regarding implementation of its safeguards agreement with the Agency through ad hoc inspections, consultations and - if necessary - the holding of an international seminar to discuss technical issues; it had even suggested a joint experiment at DPRK nuclear facilities. However, all of its proposals had been ignored or rejected.

Earlier in the year, the Secretariat had responded negatively when asked whether an inspection of the refuelling activities at the DPRK's 5 MW(e) reactor would help in verifying

* Member States not members of the Board of Governors are indicated by an asterisk.

the completeness of the initial inventory report. Since then, however, it had clearly changed its mind, for it was now - in line with the position adopted by the DPRK in February - very interested in conducting an inspection to check on the refuelling of that reactor.

That being so, three questions needed to be answered: (i) Were the special inspections which had been requested on the basis of intelligence information strictly necessary? (ii) Who was responsible for what had happened after the announcement of the request for special inspection? (iii) What purpose had the ensuing series of events served? The DPRK was ready to accept ad hoc inspections on condition that answers were provided to those three questions. Also, a clear explanation had to be given for the unfair safeguards activities in the DPRK.

825th meeting

AGREEMENT BETWEEN THE AGENCY AND THE DEMOCRATIC PEOPLE'S
REPUBLIC OF KOREA FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION
WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS
(continued) (INFCIRC/403, GOV/2687 and 2691)

1. Ms. GRADIN (Sweden) said her delegation had listened with great concern to the Director General's reports. Essential elements of the Board's resolutions and of Security Council resolution 825 (1993) remained to be implemented. The DPRK continued to be in non-compliance with its obligations under the NPT and its safeguards agreement.
2. Sweden fully supported the Director General's request that the DPRK agree to the routine and ad hoc inspections which were fundamental to the maintenance of continuity in safeguards, and urged the DPRK to agree to that request. Inspections were not negotiable and could not be subject to any conditionality. They were part of the legal obligations under the safeguards agreement, which remained in force.
3. In the light of the information provided by the Director General at the previous meeting, her delegation earnestly hoped for a second round of talks with a more positive

outcome. It fully agreed with the Director General that the inspection activities had to be seen as an integral whole. Sweden called on the DPRK to fulfil all the obligations under its safeguards agreement and abide by the resolutions of the Board and the Security Council. Implementation was a prerequisite for transparency and, accordingly, for international trust and confidence.

4. The Swedish delegation wished to express its full support for the Director General and the actions he had taken to implement the safeguards agreement with the DPRK, which had been carried out in an objective manner. It supported the proposal that the matter be placed on the agenda of the thirty-seventh regular session of the General Conference. Finally, Sweden requested the Director General to continue to keep the Board informed about all significant developments in the matter.

5. Mr. BALANESCU (Romania) noted that the issue before the Board had been the subject of intensive discussions and negotiations, both within the Agency and at the bilateral level. The Board had already adopted three resolutions, and the Security Council had discussed the matter and adopted a resolution on it. Unfortunately, all efforts to solve the problem had been unsuccessful. His delegation was deeply concerned that the DPRK was still failing to fulfil the obligations it had entered into under the NPT and the safeguards agreement concluded with the Agency.

6. The Director General's report reflected the actual present situation, and his delegation endorsed its content. Romania had full confidence in the Director General, for he was acting in an objective and impartial manner to fulfil the tasks incumbent upon him under treaty arrangements, decisions taken by the Board, and other international agreements.

7. His delegation also noted with regret that the DPRK had shown no desire to find ways and means to solve the problem relating to full application of the safeguards agreement, and had not co-operated for that purpose with the Agency. The situation had in no way improved and in fact had deteriorated. The DPRK had rejected special inspections and had not even allowed ad hoc or routine inspections, which were in no way negotiable under the terms of the safeguards agreement. It was thus taking a unilateral approach, in violation of the agreement, to the manner in which it should fulfil its obligations. The Board was, he felt

sure, unanimous that the safeguards agreement had to be implemented in strict compliance with its spirit and letter.

8. Consequently, his delegation urged the Director General to remain firm in demanding that the DPRK respect its commitments. It also requested the Director General to inform the Board of the results of his discussions and of the measures he was going to take.

9. For all of those reasons, Romania believed that it was necessary to include in the agenda for the thirty-seventh session of the General Conference an item entitled "Implementation of the agreement between the Agency and the Democratic People's Republic of Korea (DPRK) for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)", as stated in document GOV/2691, of which his delegation was a sponsor.

10. Mr. AAMODT (Norway) said the Norwegian delegation was deeply concerned about the reported lack of progress in the Agency's negotiations with the authorities of the DPRK for the implementation of the safeguards agreement under the NPT. Consultations between the two parties in early September had failed to resolve the outstanding issues. Nor had the latest exchange of views mentioned by the Director General in his introductory statement brought implementation of the safeguards agreement any nearer. For that to be achieved, it would be necessary, amongst other things, to verify the correctness and completeness of the DPRK's initial report. The Norwegian delegation fully supported the efforts by the Secretariat and the Director General to fulfil the Agency's safeguards obligations in the DPRK. The Director General's statement on the matter at the previous meeting had not indicated any realistic signs of progress, such as the DPRK's accepting the resumption of routine inspections.

11. That situation was deeply disappointing, and his delegation therefore urged the DPRK and the Agency to consult further without delay on ways and means of achieving full implementation of the safeguards agreement.

12. The communication received from the DPRK that day indicated that such consultations might not take place, if the draft resolution in document GOV/2691, of which his delegation

was a sponsor, was adopted. Norway could not accept any such pressure and saw no other way forward than to bring the matter before the General Conference, as requested in the draft resolution.

13. Mr. VAJDA (Hungary) thanked the Director General for his written report and his oral statement. Problems with the implementation of the safeguards agreement between the DPRK and the Agency had repeatedly been on the agenda of the Board. The Board had adopted three resolutions on the matter, but there was no sign hitherto of any move by the Government of the DPRK to implement those resolutions.

14. It was difficult to accept such a serious challenge to the normal operation of the non-proliferation regime, the strengthening of which was in the common interest of all nations. The Director General was making repeated efforts to fulfil the Agency's obligations under the safeguards agreement and to implement the Board's resolutions, yet the DPRK was still failing to co-operate on implementing the legally binding commitments it had undertaken.

15. His Government was deeply concerned about developments since the Board meeting in June, in that there had been no meaningful dialogue or co-operation with the Agency on the part of the DPRK and it had been impossible for the Agency's inspection team to perform fully the scheduled routine and ad hoc inspections, thus threatening the continuity of the safeguards information already obtained on the DPRK's declared nuclear facilities.

16. The Director General could count on the full confidence and support of the Hungarian Government in his efforts to achieve full implementation of the safeguards agreement. The earlier efforts of the Director General and his proposals for maintaining safeguards and continuing consultations with the DPRK, described in document GOV/2687, were in conformity with the safeguards agreement as well as with the spirit and content of the three resolutions adopted by the Board.

17. Hungary urged the DPRK to respond in a constructive manner to the Director General's proposals for securing normal working conditions and co-operation for the Agency's routine and ad hoc inspection activities, and to pursue a meaningful dialogue with the Agency that would further the implementation of the Board's resolutions. That would

not only serve the cause of non-proliferation but also help to reduce political tensions and increase security in North-East Asia, something that was in the genuine interest of the DPRK too.

18. Hungary supported the proposal that the matter be placed on the agenda of the General Conference and was a sponsor of the draft resolution to that effect now before the Board.

19. Mr. AL TAIFI (Saudi Arabia) reiterated his delegation's support for the Director General in his efforts to secure full implementation of safeguards in the DPRK. Recent events had only served to heighten concern at the non-compliance of the DPRK with its commitments and he asked the Director General to keep the Board informed of all future developments. He appealed to the DPRK to enter into positive consultations with the Agency to resolve the issue as soon as possible. In conclusion, he wished to add Saudi Arabia's support for the resolution contained in document GOV/2691.

20. Mr. PEYRAT (Paraguay) thanked the Director General for his up-to-the-minute report on the difficult situation arising from the DPRK's failure to discharge its obligations under the safeguards agreement with the Agency that had entered into force in April 1992. That could only weaken the credibility and validity of international treaties with all that implied for the security of the world community. His delegation supported the Director General and his team in their patient attempts to resolve the situation and urged them to bend every effort to bring about full implementation of the safeguards agreement with the DPRK.

21. Paraguay appealed to the DPRK to meet fully its commitments under the NPT which was extremely important for the peace and denuclearization of the Korean Peninsula.

22. Finally, as a co-sponsor of the resolution contained in document GOV/2691, his delegation wished to request that it be submitted to the General Conference for due consideration.

23. Mr. CHEN (China) thanked the Director General for the information provided to the Board on the implementation of the safeguards agreement with the DPRK.

24. Looking back over the past few months, some positive developments were to be noted in the nuclear circumstances of Korea, and the earlier tense confrontation had relaxed somewhat. The DPRK had announced the temporary suspension of its decision to withdraw from the NPT, two rounds of fruitful talks had been held between the United States and the DPRK, Agency safeguards activities were continuing and initial contacts for formal dialogue between the Republic of Korea and the DPRK had been established.

25. Although differences still existed, the aim should now be to consolidate the progress that had been made. China urged that the parties concerned should maintain the momentum of dialogue and contacts with a flexible and constructive attitude in pursuit of a just solution. Historical experience showed that the best climate for success in international negotiations was one of mutual respect free from any undue pressures and preconditions.

26. The nuclear situation in Korea had never been a purely technical issue, and the measures taken by the Secretariat and the Board since the beginning of the year, rather than solving it, had further politicized and complicated matters.

27. Since the issue involved the DPRK, the United States, the Republic of Korea and the Agency, a satisfactory solution could best be achieved through extensive joint negotiations between all parties. The problem was hardly likely to be resolved in just one or two rounds of consultations, nor could unilateral actions be expected to succeed. Patience was the order of the day. Hasty action would only exacerbate the situation.

28. Accordingly, China was not in favour of the Korean nuclear issue appearing on the agenda of the General Conference. That would not be a constructive move and could have but negative consequences.

29. China's position on non-proliferation had been constant. China did not engage in nuclear proliferation and as a party to the NPT was committed to the universality of the Treaty. It also supported all initiatives towards establishing nuclear-weapon-free zones and the efforts of the Agency to implement safeguards agreements with signatory states. China was also of the view that, to achieve the goal of non-proliferation, it was imperative to eradicate all nuclear threat to non-nuclear-weapon countries. To that end, nuclear-weapon

States should provide non-nuclear-weapon States and regions with appropriate guarantees, as China had long since already done.

30. China firmly supported denuclearization of the Korean Peninsula. No nuclear weapons should exist there, whether originating from the north, the south or a third party.

31. All the parties concerned should shed their suspicions, rebuild confidence in each other and co-operate together to solve the nuclear issue on the Korean Peninsula as soon as possible in the interests of the peace and security of the Korean people and of the whole international family. China would continue to work unrelentingly towards that end.

32. Ms. BECKER (United States of America) said that her Government noted with great interest and concern the Director General's report and the statements to the Board during its current session concerning the lack of progress in resolving difficulties with the DPRK in regard to the implementation of its safeguards agreement. The Board had acted decisively and clearly in March and April when it had passed three resolutions on the issue and referred the situation to the United Nations Security Council. Regrettably, essential elements of those resolutions remained to be implemented.

33. Her Government wished to express its full support for the Director General and the Agency in their continuing efforts to implement full-scope safeguards in the DPRK as reflected in the Director General's report to the Board. The Secretariat continued to demonstrate its commitment to the impartial application of safeguards, both in its consultations with the DPRK and its conduct of inspection activity in that country.

34. The United States was extremely disappointed at the failure of the recent consultations between the Agency and the DPRK to produce positive results. When consultations were resumed in Vienna in early October it was to be hoped that the results would be more encouraging and that the difficulties encountered in the implementation of the safeguards agreements could be resolved. As a party to the NPT, the DPRK remained under an obligation to accept Agency inspections under its safeguards agreement with the Agency. The Board had called on the DPRK to give the Agency access to additional information and locations, to enable it to verify the DPRK's declared inventory of nuclear material. The

United Nations Security Council, in resolution 825, had urged the DPRK to comply with its safeguards agreement and to facilitate a solution.

35. As the Board was aware, the United States and the DPRK had engaged in discussions aimed at helping to resolve the nuclear issue. In the context of those discussions, the United States had indicated its readiness to take certain steps to address the DPRK's security concerns and to work with the international community to assist the DPRK in its scheme to convert to light-water nuclear power technology, on condition that the DPRK complied with its non-proliferation obligations, including full co-operation with the Agency in resolving outstanding safeguards issues, and that it reached an agreement with the Republic of Korea on an effective bilateral inspection regime.

36. As a basis for continuing its discussions with the DPRK, her country had made it clear that the DPRK had to desist from any actions that would aggravate the nuclear situation. In particular, that meant refraining from additional reprocessing and engaging in full co-operation with the Agency in order to maintain the continuity of safeguards.

37. Pending the DPRK's agreement to provide the Agency with access to the additional information and locations necessary to resolve questions regarding its inventory, the Agency had indicated that in order to maintain the continuity of safeguards, the DPRK had to allow routine and ad hoc inspections to resume in accordance with its NPT safeguards agreement. That would enable the Agency to assure the international community that safeguards on declared nuclear material and facilities were effective, as well as providing a basis for further discussions between the United States and the DPRK. Without such assurance that the continuity of safeguards had been maintained, the United States would have no basis for continuing its dialogue with the DPRK and would be forced to conclude that the DPRK did not share its interest in resolving the outstanding issues. That result would be reported to the Security Council. At the present time the DPRK was continuing to impose restrictions and conditions on the Agency's routine and ad hoc inspections which were inconsistent with its safeguards agreement. The United States urged the DPRK to accept those inspections so that the continuity of safeguards could be maintained.

38. Her delegation hoped that the DPRK would make it possible to continue diplomatic efforts to resolve the nuclear issue by co-operating fully with the Agency in its performance of inspections. In the absence of such co-operation, the international community would have to consider what further steps would be warranted. Her Government remained committed to seeking a solution that promoted peace and security on the Korean Peninsula and strengthened the international non-proliferation regime. It called upon all sides to honour their commitments faithfully and to engage in consultations to resolve their differences in a constructive and sincere manner.

39. She requested the Director General to keep the Board informed of any developments and urged all parties to enter into a meaningful dialogue as soon as possible.

40. Finally, her Government firmly believed that the issue was an important and urgent one warranting inclusion on the General Conference's agenda the following week. She hoped that the draft resolution to that end could be adopted by consensus.

41. Ms. MACHADO QUINTELLA (Brazil) said that it was with disappointment and increased concern that her delegation had learned from the Director General that no improvement had yet been achieved in the safeguards implementation situation with respect to the DPRK.

42. In such circumstances, she wished to reaffirm her Government's commitment to the causes of disarmament and non-proliferation as well as its firm support for the principle that freely undertaken obligations were to be fulfilled. Her Government considered that no effort should be spared to resolve disputes such as the present one through dialogue and negotiation.

43. Accordingly, her delegation called once again upon the Government of the DPRK to co-operate fully with the Agency and requested the Director General to persevere in his efforts to secure implementation of the safeguards agreement concluded with that country. It also wished to reaffirm Brazil's confidence in the Director General and the Secretariat.

44. Brazil was in favour of bringing the matter to the attention of the General Conference during its regular session the following week in accordance with Rule 15 of its Rules of Procedure.

45. Finally, her delegation remained hopeful that the consultations with the DPRK would soon resume and result in a satisfactory solution to the problem.

46. Mr. RYZHOV (Russian Federation) said that his delegation noted with deep concern that the present session of the Board was now the fourth consecutive one at which the Board had discussed the problem of the implementation of the safeguards agreement between the Agency and the DPRK without a satisfactory solution being found. The dialogue between the Agency and Pyongyang could hardly be described as developing in a satisfactory manner. The practical implementation of the Agency's safeguards, even just the routine part, was constantly coming up against difficulties, chiefly of a political nature.

47. The Board's resolutions on the matter had largely not been implemented and the question still lay before the United Nations Security Council. His delegation was disturbed to see how the DPRK was attempting to fulfil its obligations selectively, essentially limiting the Agency's safeguards activities to the servicing of the monitoring apparatus already in place in that country. Consequently, the Agency's ability to fulfil its functions under the safeguards agreement was seriously impaired.

48. The fact could not be overlooked that for the DPRK the safeguards issue was linked with its decision to withdraw from the NPT. His own country's position on that matter was well-known and was expressed, in particular, in the joint statement issued in April by the depositaries of the NPT with the subsequent support of most of the parties to that important Treaty. The DPRK's declaration that its decision to withdraw from the NPT had been frozen was encouraging and should be backed up by moves to enable the Agency to apply full-scope safeguards in accordance with the safeguards agreement.

49. In view of the importance and urgency of the problem, his delegation felt that it should be considered at the forthcoming session of the General Conference.

50. Mr. YUN (Democratic People's Republic of Korea)[*] said that his delegation considered it very regrettable and, indeed, unjustifiable that the issue of his country's implementation of its safeguards agreement with the Agency had once again been the subject of discussion by the Board. Furthermore, his delegation was surprised to note that some countries, in contravention of the Rules of Procedure of the General Conference, had placed before the Board a draft resolution requesting that an item on the implementation of the safeguards agreement with the DPRK be included on the agenda of the forthcoming session of the General Conference. It was his delegation's firm view that the implementation of that safeguards agreement was not a matter for discussion by the General Conference, and it flatly rejected the draft resolution.

51. Owing to the Agency's unjust conduct, the issue of his country's implementation of its safeguards agreement had now evolved into a very serious political question. That situation had been brought about by certain Secretariat officials who - acting under the dictates of an Agency Member State rather than in accordance with the Agency's Statute or the safeguards agreement - had attempted to force a special inspection upon his country.

52. It was one of his Government's principal goals to convert the Korean Peninsula into a nuclear-free zone and to use nuclear energy for peaceful purposes only. Accordingly, the DPRK had faithfully implemented the safeguards agreement concluded with the Agency and actively co-operated with the Agency's inspection team.

53. Alas, that spirit of co-operation had been abused by certain Secretariat officials in pursuit of their sinister ends. Colluding in the aggressive policy of a particular Member State aimed at destroying his country's socialist system, they had intentionally fabricated suspicion about his country's nuclear development and conducted unfair inspections of its nuclear facilities.

54. As a result, his country's sovereignty had been seriously encroached upon and its security jeopardized.

55. It was because of that extraordinary situation that his Government had been compelled to withdraw from the NPT in accordance with Article 10 of the Treaty, in order to defend

the supreme interests of the nation, namely the exercise of its sovereignty and the right to self-defence provided for in the Treaty.

56. After declaring its decision to withdraw from the NPT, his country had made every effort to eradicate the cause of the nuclear issue on the Korean Peninsula.

57. As was well known to the world through the joint statement issued on 11 June in New York, the United States and the DPRK had agreed to the principles of assurances against the threat and use of force, including nuclear weapons; of peace and security on a nuclear-free Korean Peninsula, including the impartial application of full-scope safeguards; of mutual respect for each other's sovereignty and non-interference in each other's internal affairs; and the continuation of dialogue on an equal and unprejudiced basis.

58. His country was convinced that agreement would serve as a basis for putting an end to the hostile relations between the DPRK and the United States and eradicating the cause of the nuclear issue on the Korean Peninsula, thus promoting the cause of peace and security of Asia and the rest of the world and the denuclearization of the Korean Peninsula.

59. Accordingly, his country had decided unilaterally to suspend, for as long as was considered necessary its withdrawal from the NPT, in order to maintain the dialogue with the United States and demonstrate its political will to resolve the nuclear issue on the Korean Peninsula.

60. In the Geneva talks the DPRK and the United States had shared the view that the impartial application of full-scope safeguards was necessary to strengthen the international non-proliferation regime and his country had made it clear that it would be prepared to discuss the subject of partiality and other matters with the Secretariat.

61. His country had been consistent in its call for a negotiated solution of the nuclear issue. It would be regrettable if that call were rejected, as it had been at the preceding meeting of the Board in February with the grave consequences that had ensued.

62. The consultations between the DPRK and the Agency held in early September in Pyongyang had not resulted in any progress at all, owing to the Agency's attempt to force a deadline for inspections on the DPRK and failure to rectify its partiality. As long as the

Agency harboured such partiality, it would continue to misuse the safeguards process for carrying out unjustifiable inspections in his country. The first problem to be tackled therefore was the Agency's partiality.

63. The DPRK was convinced that once the talks between it and the United States gained momentum and meaningful consultations were held between the DPRK and the Agency, the nuclear issue would be resolved satisfactorily. The DPRK hoped the Secretariat would demonstrate a spirit of co-operation in the consultations so that the issue might be resolved as soon as possible.

64. In its desire to demonstrate the transparency of its nuclear activities and to resolve the outstanding issues through negotiation, the DPRK had allowed inspections to be conducted, to maintain continuity of safeguards information, and had repeatedly stated its willingness to permit such inspections in the future also, despite the present extraordinary circumstances. In that connection, it was unfortunate and surprising that his country's suspension of its withdrawal from the NPT had not been hailed by the Agency's Secretariat.

65. Any attempt to put pressure on the DPRK in the face of its sincere efforts to resolve the crisis would negate the progress achieved so far and prevent solution of the problem. His country would not tolerate such encroachment of its sovereignty.

66. He sincerely hoped, therefore, that all Governors would note his country's strenuous efforts to achieve a negotiated solution of the nuclear issue and would not allow those efforts to be obstructed.

67. The CHAIRMAN noted that the Board had reiterated its confidence in the Director General and its support for his renewed efforts to resolve the outstanding issues relating to the full implementation of the safeguards agreement concluded between the DPRK and the Agency. At the same time, it had expressed its concern that the contacts between the Secretariat and the DPRK authorities since the Board had last discussed the matter had not resulted in progress.

68. The Board expected that consultations between the DPRK and the Secretariat would continue soon in Vienna and that positive results would be reached through constructive dialogue.

69. The Board had also reiterated that it was essential and urgent that the DPRK enable the Agency to take the necessary measures to ensure continuity of verification activities in compliance with the safeguards agreement. The Board had further decided to remain seized of the matter and had requested the Director General to keep it informed of any important developments.

70. He assumed that the Board accepted his summing-up.

71. It was so decided.

72. The CHAIRMAN drew attention to document GOV/2691 containing a draft resolution on the Korean issue which had been co-sponsored by 21 Member States.

73. Mr. WALKER (United Kingdom) introduced the resolution, requested the Director General to keep the Board informed on the Korean question, include it on the agenda of the General Conference and transmit his report together with the records of the Board's discussion on that item to the General Conference.

74. He pointed out that, although the resolution noted the gravity of the situation, it was procedural in nature and did not attempt to analyse recent developments or suggest any new course of action by the Agency. It reflected a widespread and strongly-held feeling that the implementation of the safeguards agreement with the DPRK should appear on the agenda of the General Conference. In the light of the most recent events, many delegations would find it extraordinary if such an agenda item did not appear, as many less urgent topics would be discussed at the General Conference.

75. Finally, as the draft was limited in political content, it was non-controversial and broke no new ground. The co-sponsors therefore hoped that the draft could be adopted without a vote.

76. Mr. CHEN (China) said that he had already explained his country's consistent policy on the DPRK issue. China supported the denuclearization of the Korean Peninsula and had also made a specific proposal for a definitive settlement of the Korean problem through dialogue and consultation in order to establish peace and stability on the Peninsula.

77. The two previous rounds of talks between the DPRK and the United States had achieved some preliminary results - the DPRK had suspended its withdrawal from the NPT, and the Agency and the DPRK had had discussions concerning implementation of the safeguards agreement. Some tensions had been eased, but it was unreasonable to expect such a difficult and sensitive issue to be settled through one or two rounds of talks. The international community should cherish the results already achieved and help create an atmosphere conducive to further resolution of the problem.

78. The present issue had reached a sensitive and delicate stage. If the Board adopted the resolution and added the issue to the agenda of the General Conference, it would pose obstacles to further contacts between the parties concerned and thus be a backward step. Such lessons had already been learned in similar situations in the past when dealing with the Korean issue.

79. Turning to the draft resolution itself, his delegation noted that the DPRK issue was described as an important and urgent matter, which should be added to the agenda of the General Conference with the waiving of the usual time limits for such a procedure. That ignored the fact that some positive developments had taken place since the June session of the Board. All of the parties concerned were seeking a final and appropriate solution of the issue. There was thus no reason to refer to the matter as "urgent" yet it was now to be hastily transmitted to the General Conference, creating tension, exacerbating confrontation and impeding the ongoing process of negotiation. All of the progress achieved thus far would probably be lost.

80. It appeared that certain Governors wanted the issue put before the General Conference because the consultations between the Agency and the DPRK on the implementation of the safeguards agreement had been inconclusive. It was precisely because of this that the process should continue. The DPRK had never refused to continue consultations with the Agency.

The exchange of correspondence and faxes which had taken place in the past few days were further proof that the differences regarding the procedure of consultations had been resolved. The remaining issues could be dealt with through those consultations.

81. Even if the matter were taken up by the General Conference, the Conference could not negotiate or consult on behalf of the Agency on the issues at stake. Nor could the Board of Governors replace the Agency in its role of implementing the safeguards agreement concluded with the DPRK. The differences between the Agency and the DPRK could only finally be resolved by negotiations between the two sides. No other parties could substitute in that role.

82. For all the reasons mentioned, the Chinese Government could not support the present draft resolution, and would therefore abstain in any vote.

83. Ms. KSENTINI (Algeria) noted that the draft resolution to include the matter on the General Conference agenda was in line with resolutions previously adopted by the Board which Algeria had supported. It might be asked whether there was any other way to reach the same objective. If indeed the aim was to keep the General Conference informed and enable that plenary body to make a constructive contribution to resolving the problem, that could well be achieved by way of item 4 of the provisional agenda for the General Conference, namely the Statement by the Director General. She recalled, by way of precedent, the resolution on the strengthening of the Agency's main activities, which had sprung from a debate on the Statement by the Director General before becoming an agenda item in its own right. That was worth considering if the price for adopting the present draft resolution were to be a rift in the Board when every ounce of goodwill was needed to resolve the present situation and restore confidence and co-operation between the DPRK and the Agency.

84. Finally, there was the question of expediency, which required an appraisal of the efforts already made and a prognosis of the political desirability of transmission to the General Conference, plus an assessment of the relative powers of the Agency's executive organs. In their collective wisdom, the 21 delegations which had co-sponsored the draft resolution had concluded that referral of the matter to the General Conference was justified

and appropriate. It was to be hoped that a plenary debate would offer new prospects for restoring co-operation between the DPRK and the Agency. With regard to the relative powers of the executive organs, Algeria had consistently held the view, with respect to all international organizations, that the organs in which all Member States were represented had the right and the duty to deal with all important questions, since such plenary bodies were the most democratic forum for eliciting the common will of the international community.

85. Bearing all that in mind, and still in the hope that no effort would be spared to achieve a satisfactory resolution to the problem, she said her delegation would support the draft resolution.

86. The CHAIRMAN said he understood that a roll-call vote had been requested and proposed that the Board of Governors proceed with the vote on the draft resolution contained in document GOV/2691.

87. Mexico, having been drawn by lot by the Chairman, was called upon to vote first.

88. The result of the vote was as follows:

In favour: Algeria, Argentina, Australia, Brazil, Bulgaria, Canada, Chile, Ecuador, Egypt, Finland, France, Germany, Greece, Hungary, India, Japan, Republic of Korea, Malaysia, Mexico, Nigeria, Norway, Paraguay, Romania, Russian Federation, Saudi Arabia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: China, Libyan Arab Jamahiriya, Pakistan, Syrian Arab Republic, Viet Nam.

89. There were 29 votes in favour and none against, with 5 abstentions. The draft resolution was adopted.

90. Mr. YUN (Democratic People's Republic of Korea)* said that his delegation regretted the adoption of another unjust resolution against the DPRK, despite his country's sincere efforts to resolve the nuclear issue through consultations. The resolution was a further attempt to obstruct any settlement of the issue through consultation and to escalate the pressure on the DPRK. Adoption of the resolution meant that the progress which had been achieved thus far would be lost and the situation would further deteriorate. The

Secretariat of the Agency and the co-sponsors of the resolution should take responsibility for the consequences of its adoption.

**EXCERPT FROM THE STATEMENT MADE BY THE DIRECTOR GENERAL IN
THE BOARD OF 21 SEPTEMBER 1993**

Safeguards in the DPRK

As you recall, in its decision of 11 June 1993, the Board, inter alia, "requested the Director General to keep it informed of all significant new developments relating to contacts and consultations with the DPRK."

The report contained in GOV/2687 describes developments in the implementation of the Safeguards Agreement, including contacts and consultations with the DPRK. As you can see from that report, following several months of correspondence, in which the Agency tried to bring about consultations between the DPRK and the Agency, a consultation meeting did take place in Pyongyang from 1 to 3 September. During that meeting the DPRK team set out in detail what they consider to be a case of "partiality" on the part of the Agency. The Agency team, for its part, provided detailed explanations about the respective roles of the Board and the Secretariat under the Statute and under the Safeguards Agreement with the DPRK and responded to comments which the DPRK team had made. The team assured the DPRK representatives that the Agency consistently implements safeguards in the DPRK and elsewhere with objectivity and impartiality and that this will continue to be its policy.

At no time during the consultations did the DPRK side agree to discuss our proposals on ways and means of resolving outstanding safeguards issues. The inconsistencies which have been found between the DPRK's Initial Report on its nuclear material and the Agency's findings, based on the Agency's own analyses, therefore remain. No access has been obtained to additional information or locations which might help to resolve these inconsistencies. The Agency consequently is still not in a position to verify the correctness and assess the completeness of the DPRK's Initial Report.

As you are aware, the Security Council, in its resolution of 11 May 1993, inter alia, called upon the DPRK "to comply with its Safeguards Agreement with the IAEA as specified

by the IAEA Board of Governors' resolution of 25 February 1993." The Security Council also requested the Director General of the IAEA "to continue to consult with the DPRK 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." In response to that resolution, I have transmitted to the Security Council a report identical to the one before you in GOV/2687.

I must now supplement the report submitted to you and transmitted to the Security Council.

As you can see from the report the Agency last week requested that routine and ad hoc inspection activities take place between 25 September and 9 October to enable the Agency to meet the requirements of the Safeguards Agreement. It further proposed that, in keeping with normal diplomatic practice, the next round of consultations should take place in Vienna. These should offer an opportunity for constructive discussion on how to solve outstanding inconsistencies.

A reply was received yesterday. The principal points in this telex from Pyongyang were the following.

- . "So far the DPRK has accepted the Agency's inspection ... in order to implement the policy commitment agreed between the DPRK and the US".
- . In the "current extraordinary circumstances" in which the effectuation of the DPRK's withdrawal from the NPT has been suspended it is "more than enough" to accept Agency inspection for the purpose only of performing maintenance and replacement of the safeguards equipment.
- . The scope of the Agency inspections would "depend on how the Agency's partiality and injustice would be resolved and how the further bilateral talks between the DPRK and the US would make progress".
- . There is no objection to the Agency's suggestion of holding the next round of consultations in Vienna. At the same time it is said to be desirable to hold it in Pyongyang "because the next round of consultations is considered as a continuation of the consultation held in Pyongyang early in September".

Responding to these points a cable was sent yesterday in my name conveying the following points:

When the DPRK suspended the "effectuation" of its withdrawal notice regarding the NPT, its obligations as a party under the Treaty continued. As a consequence, the Safeguards Agreement with the IAEA remains fully operative. Article 26 of that Agreement provides that "this Agreement shall remain in force as long as the DPRK is party to the Treaty". It is on this basis and no other that the Agency is both entitled and obliged to implement safeguards in the DPRK, and under Article 3 of the Agreement the DPRK is obliged to co-operate with the Agency to facilitate the implementation of safeguards.

The Safeguards Agreement has to be fully implemented. We have endeavoured to seek ways and means to resolve existing inconsistencies by obtaining access to additional information and locations. This remains a high priority objective for the Agency and is pursued through consultations. The Agency verification activities with regard to the DPRK's **declared** nuclear material and facilities must continue to be performed fully, in accordance with the Safeguards Agreement.

The inspections which took place in June and August were limited in nature. The Agency must now perform specific safeguards activities that are essential for the full implementation of the Agreement. The suggestion that the Agency should limit its activities to the maintenance and replacement of safeguards equipment for keeping containment and surveillance information is not consistent with DPRK's obligations under the Agreement. The inspection activities specified in the Agency's telex of 8 September must be viewed as an integral whole and cannot be regarded as a menu to select from. Unless the performance of all these activities is accepted it must be concluded that the area of non-compliance is widening. The DPRK was therefore kindly asked to co-operate to have the activities take place as planned.

In view of the specified timeframe within which these activities need to be completed, I stated that I would appreciate receiving confirmation, no later than Wednesday 22

September, of the DPRK's readiness to receive our inspection team to perform the specified activities. I added that if confirmation was not forthcoming by that date, it would not be possible for us to send the team.

. With regard to the DPRK's proposal to continue the consultations in Pyongyang, I noted that all consultations are a continuing process. I suggested that the next consultations should take place in connection with the Agency's 37th General Conference here in Vienna. If, during these consultations, we can reach agreement on a specific Agenda including an agreement to discuss in depth ways and means to resolve inconsistencies, the Agency would be ready to send another consultation team to Pyongyang.

