



Security Council

Distr.: General
28 February 2002

Original: English

Letter dated 27 February 2002 from the Secretary-General to the President of the Security Council

I have the honour to convey the attached communication, dated 20 February 2002, from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(Signed) Kofi A. **Annan**



Annex**Letter dated 20 February 2002 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General**

In his statement of 4 November 1994 (S/PRST/1994/64), the President of the Security Council requested that the International Atomic Energy Agency (IAEA) continue to report to the Council on the implementation of the Safeguards Agreement with the Democratic People's Republic of Korea. I last wrote to you on this subject on 2 February 2001. As a follow-up to that letter, I now enclose a copy of my report (GC(45)/26 of 6 August 2001) submitted to the General Conference of IAEA at its forty-fifth regular session, and of resolution GC(45)/RES/16 adopted by the Conference on 21 September 2001.

Since my letter of 2 February 2001, IAEA has maintained a continuous inspector presence in Nyongbyon to monitor the freeze of the Democratic People's Republic of Korea's graphite moderated reactors and related facilities foreseen in the Agreed Framework of October 1994 between the Democratic People's Republic of Korea and the United States of America. The Democratic People's Republic of Korea continues to accept IAEA verification activities solely within the context of the Agreed Framework and not under the Safeguards Agreement. That Agreement is binding and remains in force.

The IAEA Safeguards Implementation Report for 2000, issued in May 2001, pointed out the continuing inability of IAEA to verify the correctness and completeness of the Democratic People's Republic of Korea's initial declaration of nuclear material and hence its inability to conclude that there has been no diversion of nuclear material in that country.

In May 2001, IAEA proposed concrete steps to be taken towards the verification of the initial declaration and expressed its readiness to start the relevant activities as early as possible. At a technical meeting in November 2001 the Democratic People's Republic of Korea did not agree to begin implementing the Agency's concrete proposals for the verification of the correctness and completeness of its initial declaration, citing the delay in implementation of the Agreed Framework between the United States and the Democratic People's Republic of Korea as the principal reason for declining. It should be kept in mind that the work required to verify that all nuclear materials subject to safeguards in the Democratic People's Republic of Korea had been declared to IAEA could take 3 to 4 years to complete with full cooperation on the part of the Democratic People's Republic of Korea.

The IAEA General Conference, in September 2001, adopted resolution GC(45)/RES/16, in which it once more expressed deep concern over the continuing non-compliance of the Democratic People's Republic of Korea with its Safeguards Agreement. The General Conference again noted that IAEA continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the Democratic People's Republic of Korea, and urged the Democratic People's Republic of Korea to comply fully with its Safeguards Agreement. It also strongly encouraged the Democratic People's Republic of Korea to respond positively and at an early date to the detailed proposal for the first concrete steps needed for the implementation of the generic requirements for the

verification of the correctness and completeness of the Democratic People's Republic of Korea's initial declaration.

I should be grateful if you would bring this letter and its enclosures to the attention of the Security Council, to which I will continue to report developments.

(Signed) Mohamed **ElBaradei**