



## Security Council

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### **Security Council Committee established pursuant to resolution 1540 (2004)**

#### **Note verbale dated 27 October 2004 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the Chairman of the Committee**

The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's note verbale dated 21 June 2004, has the honour to transmit herewith the first report of the Government of the Republic of Korea in accordance with paragraph 4 of resolution 1540 (2004) (see annex).

**Annex to the note verbale dated 27 October 2004 from the  
Permanent Mission of the Republic of Korea to the United Nations  
addressed to the Chairman of the Committee**

**National Report of the Republic of Korea on the Implementation of  
United Nations Security Council Resolution 1540**

**Introduction**

1. Security Council Resolution 1540 is a substantial measure by the Security Council, as the primary organ responsible for the maintenance of international peace and security, to address the new threats to international security posed by terrorism and the proliferation of weapons of mass destruction (WMD). The government of the Republic of Korea (ROK) believes that the Resolution will contribute greatly to the prevention of the proliferation of WMD.
2. Since the ROK government has been a very active participant in international efforts to stem the spread of WMD, it strongly supports the Resolution and is faithfully implementing it.
3. As a party to most of all relevant treaties of international disarmament and non-proliferation and multilateral export control regimes, the Republic of Korea has the necessary legal and administrative systems in place to ensure compliance with the Resolution and it will continue to complement and develop those systems.

**Reports on each Operative Paragraph of the Resolution**

**Operative Paragraph 1**

*Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;*

The Republic of Korea does not and will not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, or biological weapons and their means of delivery.

**Operative Paragraph 2**

*Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as*

*well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them*

**Actions Taken:**

- According to the Criminal Laws of the Republic of Korea, acts of terrorism are deemed serious offenses. In such legislation the Republic of Korea prohibits any non-state actor from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice or assist them.
- The Financial Transaction Reports Act and the Proceeds of Crime Act establish the offence of financing the abovementioned acts of the proliferation of weapons of mass destruction mentioned in the Operative Paragraph 2 of this Resolution.
- In addition to these laws, the following special laws regulate proliferation acts of each category of WMD and its delivery system.
  - (Nuclear weapons) The Atomic Energy Act and the Act for Physical Protection and Radiological Emergency establish the offence of manufacturing, acquiring, possessing, developing, transporting, transferring, and using nuclear weapons. The maximum penalty is life imprisonment.
  - (Chemical Weapons) The Act on the Control of the Production, Export, Import, etc. of Specific Chemicals for the Prohibition of Chemical Weapons 1997 establishes the offence of developing, producing, stockpiling, transferring or using chemical weapons or assisting or inducing any other person to do so. The maximum penalty is life imprisonment.
  - (Missiles) Since missiles are designated as defense material pursuant to the Act on Special Measures for Defense Industry, any missile-related activities are restricted if not approved or permitted by the government of the Republic of Korea.

**Planned Actions:**

○ Nuclear Weapons

- The government of the ROK plans to take additional measures in order to place more stringent restrictions on the assisting or financing of the nuclear proliferation-related activities provided in Operative Paragraph 2 of this Resolution.

○ Biological Weapons

- In addition to the regulation by the Criminal Laws, the government of the ROK is considering enacting a special law to independently regulate activities relating to biological weapons.

○ Missiles

- The 'Means of Delivery of Nuclear, Chemical, and Biological Weapons Regulation Act' is to be enacted to regulate WMD delivery systems.

**Operative Paragraph 3**

*Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall;*

- (a) *Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;*
- (b) *Develop and maintain appropriate effective physical protection measures.*

**Actions Taken:**

- In accordance with the Atomic Energy Act, the Act for Physical Protection and Radiological Emergency, and the ROK-IAEA Safeguards Agreement 1975, the ROK maintains an effective control and management system for all nuclear materials and facilities. To further strengthen the control and supervision of nuclear activities, the government of the ROK established an independent body, the National Nuclear Management and Control Agency (NNCA) in October 2004.
- The ROK maintains an effective control and management system for chemical weapon-related chemicals, establishing a national licensing system for the production of chemicals included in Schedule 1 of the Chemical Weapons Convention (CWC) and the implementation of reporting requirements for all chemicals included in the CWC Schedules.
- The Act on the Prevention of Contagious Diseases establishes a reporting requirement for any pathogens of contagious diseases separated from patients affected by contagious diseases. The reporting agency concerned shall comply with any request from the Korea Center for Disease Control and Prevention for the provision of such cooperation as necessary for the preservation and control of the separated pathogens.

- In accordance with the Act on the Management of Military Supplies, the government of the ROK maintains an effective management and control system, including through the monitoring of the amount of material, managing of items in stock, and carrying out of physical protection measures for materials in production, use, storage or transport.

### **Planned Actions:**

The ROK is planning to enact a law prescribing the reporting and inspection of manufacturing and production facilities of biological weapon-related materials with a view to establishing a comprehensive and systematic control and management system.

*(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;*

- The Korean Customs, Police, Maritime Police, and Immigration authorities maintain effective border controls and law enforcement to detect, deter, prevent and combat illicit trafficking and brokering in WMD-related items.
- In accordance with the Customs Act, the Commissioner of the Korean Customs Service and the heads of custom offices have the power to restrict the importation and exportation of certain items when they deem it necessary for inspection or surveillance purposes. The customs officers can inspect inbound and outbound or return goods.

*(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.*

### **Actions Taken:**

- The Korean government is effectively implementing export controls through such measures as strict controls over end-users of concern, as well as the imposition of criminal or civil penalties for violators of the Foreign Trade Act and its Enforcement Decree, and Public Notice on Export /Import of Strategic Items.
- The government implements export controls in accordance with the multilateral export control regimes, such as the Nuclear Suppliers Group (NSG), Zangger

Committee (ZC), Australia Group (AG), Wassenaar Arrangement (WA), and Missile Technology Control Regime (MTCR) by incorporating their guidelines and control lists into national legislation.

- The government has introduced a catch-all system since January 1, 2003 in order to strengthen export controls for dual-use items which may be used in the development of WMD.
- Other recent measures that the government of the ROK took to strengthen export controls on strategic items are as follows. The government of the ROK:
  - Stipulated new provisions under Article 50 of the Foreign Trade Act, if necessary, to order exporters of strategic items to file a report and to have relevant officials conduct an inspection of the report in September 2003.
  - Has undertaken to establish links between the control lists of the multilateral export control regimes and HS (Harmonized Commodity Description and Coding System) since December 2003.
  - Established, in the Ministry of Commerce, Industry and Energy (MOCIE), the Strategic Items Control Division which is responsible for strategic export control policy in February 2004.
  - Formed the Technical Advisory Group on Strategic Items in May 2004.
  - Inaugurated the Strategic Trade Information Center to carry out the determination of strategic items, the operation of the information management system and the distribution of a corporate compliance program in August 2004.

**Planned Actions:**

- The government of the ROK plans to update and amend the Foreign Trade Act with a view to strengthening the controls on brokerage, trans-shipment, financing and service.
- The government of the ROK plans to develop and distribute a corporate compliance program.
- The government of the ROK plans to establish an Export/Import Management System for Strategic Items.

### **Operative Paragraph 5**

*Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons*

As a party to the Nuclear Non-Proliferation Treaty (NPT), the Chemical Weapons Convention (CWC), and the Biological and Toxin Weapons Convention (BWC), the Republic of Korea is actively participating in the work of the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW) to prevent the proliferation of nuclear weapons and chemical weapons.

### **Operative Paragraph 6**

*Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.*

#### **Actions Taken:**

- The ROK strives to further reinforce export controls in light of their importance for preventing the proliferation of WMD.
- The ROK government faithfully reflects the control items under the multilateral export control regimes, namely the NSG, ZC, AG, MTCR, and WA, in national legislation, and maintains and updates the list of controlled items for the sake of effective export controls.

### **Operative Paragraph 7**

*Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions*

- The Republic of Korea, within its capacity, will participate in regional- and international-level cooperation to achieve the effective implementation of this Resolution.

- The ROK will host, in cooperation with the Technical Secretariat of the OPCW, the first training course in the Asia-Pacific region on protection and assistance against chemical weapons in May 2005.

### **Operative Paragraph 8**

*Calls upon all States:*

- (a) *To promote the universal adoption and full implementation, and, where necessary, strengthening or multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;*
- The Republic of Korea has been faithfully implementing its obligations under the NPT, CTBT, BWC, and CWC to which it is a state party. It has also been an active participant in international efforts to strengthen and universalize those conventions and will continue to play an active part.
  - Some examples of the ROK's contribution to this end are as follows. The Republic of Korea:
    - Played a leading role in the adoption of the "Recommendation on Ensuring the Universality of the Chemical Weapons Convention" since the 2<sup>nd</sup> Conference of the State Parties in 1997.
    - Contributed in the discussions, sending experts to the BWC meetings for the sake of enhancing international verification capabilities.
    - Participated in the 1<sup>st</sup> and 2<sup>nd</sup> Ministerial Meetings the purpose of which was to facilitate the early entry into force of the Comprehensive Nuclear-Test-Ban-Treaty (CTBT) in 2001 and 2004 respectively.
    - Became the 39<sup>th</sup> country in the world to ratify the IAEA Additional Protocol which has been regarded as the new international standard for nuclear verification.
- (b) *To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;*

The ROK has been in full compliance with its commitments under the key multilateral non-proliferation treaties.

- (c) *To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as*

*important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;*

- The ROK, both as a state party and a member of the Board of Governors, has been and will continue to be supportive of the aims and activities of the IAEA. In particular, the ROK actively participates in the efforts of the IAEA to strengthen its safeguards system, including the Additional Protocol, and also in various technical cooperation projects to promote the peaceful uses of nuclear energy.
- As a state party to the CWC and a member of the Executive Council, the ROK reaffirms its strong commitment to playing a constructive role in fulfilling the objectives and purposes of the Convention. In particular, the ROK places priority on the two Action Plans, one for the universality of the Convention and the other for the full implementation of the Article VII obligations.
- As a state party to the BTWC, the ROK has supported strengthening the verification aspects of the Convention and will continue to do so.

*(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws.*

**Actions Taken:**

- The government of the Republic of Korea continues to make efforts to raise public awareness of the obligations set out in the international non-proliferation arrangements through seminars and news coverage.
- The Korean government held conferences to explain export control system for strategic items to relevant enterprises and organizations in February and July 2004.
- The Korean government cohosted a seminar with the Korean Bioindustry Association in May 2004 to explain recent developments on the BWC negotiations to relevant enterprises and organization.

**Operative Paragraphs 9, 10**

9. *Calls upon all States to promote dialogue and cooperation on non- proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.*
10. *Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take*

*cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;*

- The Republic of Korea has contributed, and will continue to contribute to the promotion of dialogue and cooperation to address the threat posed by the proliferation of WMD and also to cooperative action to prevent illicit trafficking in WMD, their means of delivery, and related materials.
- Some examples of the ROK's contribution to this end are as follows. The Republic of Korea:
  - Has held an international conference on arms control and non-proliferation now termed the "Jeju Process" on Jeju Island in Korea since 2001;
  - Joined the "Global Partnership against the Spread of Weapons and Materials of Mass Destruction", which is a global cooperative project to tackle the proliferation of WMD, during the 2004 G-8 Summit held on Sea Island in the United States in June 2004;
  - Has greatly contributed to the strengthening of nuclear export controls by hosting the Plenary of the Nuclear Suppliers Group (NSG) in 2003 in Korea and discharging its duties as the chair country of the NSG for 2003-2004;
  - Hosted the Plenary of the Missile Technology Control Regime in Seoul in October 2004 and, as chair country for the coming year, will do its best to promote dialogue and cooperation to advance the goals of missile non-proliferation;
  - Pronounced the "Four Principles for the Peaceful Use of Nuclear Energy" on September 2004 to renew and reaffirm its principle of nuclear non-proliferation and peaceful use of nuclear energy when the incident of past nuclear experiments arose. With the Four Principles, it has underlined that the ROK : has no intention of developing or possessing nuclear weapons ; firmly maintains the principle of nuclear transparency and will strengthen cooperation with the international community to this end; will abide by international agreements on nuclear non-proliferation; and will expand the peaceful use of nuclear energy on the basis of international confidence.