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H. CON. RES. 517

Condemning the Democratic People's Republic of Korea for its failure to comply with the Treaty on the Non-Proliferation of Nuclear Weapons and the U.S.-North Korea Agreed Framework of 1994.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2002

Mr. HASTINGS of Florida submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Condemning the Democratic People's Republic of Korea for its failure to comply with the Treaty on the Non-Proliferation of Nuclear Weapons and the U.S.-North Korea Agreed Framework of 1994.

Whereas the Treaty on the Non-Proliferation of Nuclear Weapons (commonly referred to as the "Non-Proliferation Treaty" or "NPT") is the most widely accepted international arms control agreement;

Whereas the Treaty on the Non-Proliferation of Nuclear Weapons was signed on July 1, 1968, and entered into force on March 5, 1970;

Whereas a total of 187 countries are parties to the Non-Proliferation Treaty and the Democratic People's Republic of

Korea (North Korea) has been a signatory of the Treaty since 1985;

Whereas Article II of the Non-Proliferation Treaty provides that “[e]ach non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices”;

Whereas section 1 of Article III of the Non-Proliferation Treaty provides that “[e]ach non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency’s safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices”;

Whereas North Korea has been a member state of the United Nations since September 17, 1991;

Whereas in 1992 North Korea threatened to withdraw from the Non-Proliferation Treaty following a request from the International Atomic Energy Agency (IAEA) for special inspections to help resolve anomalies in North Korean nuclear facilities;

Whereas in the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea, signed in Geneva on October 21, 1994, North Korea pledged to freeze its existing nuclear program and allow the IAEA to carry out inspections designed to account for all its nuclear material and in return, North Korea would be provided with two light-water reactors and heavy fuel oil;

Whereas since early 1993 North Korea has refused to allow inspections of its nuclear facilities by the IAEA;

Whereas on March 21, 1994, the IAEA passed a resolution stating that it could not verify that North Korea had not used nuclear materials for the production of nuclear weapons and nuclear explosive devices;

Whereas in the U.S.-North Korea Agreed Framework of 1994, the United States pledged to organize, under its leadership, an international consortium to finance and supply the light water reactor project for North Korea;

Whereas the Korean Peninsula Energy Development Organization (KEDO), an international consortium, was created in 1995 to advance the implementation of the Agreed Framework by providing North Korea with alternative sources of energy in the form of heavy fuel oil and a modern nuclear power plant;

Whereas on April 11, 1995, the United Nations Security Council adopted Resolution 984 reaffirming the need for all states parties to the Non-Proliferation Treaty to comply fully with all their obligations;

Whereas Security Council Resolution 984 urges all states, as provided for in Article VI of the Non-Proliferation Treaty, to pursue negotiations in good faith on effective meas-

ures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control which remains a universal goal;

Whereas on November 1, 1995, the United Nations General Assembly adopted Resolution 50/9 expressing concern over the continuing noncompliance of North Korea to cooperate fully with the IAEA to verify North Korea's inventory of nuclear material subject to safeguards;

Whereas in October 2002 North Korea admitted that it has been operating a covert nuclear weapons program;

Whereas the United States and the Republic of Korea have long had a close relationship based on shared interests and shared security goals;

Whereas there are nearly 38,000 United States Armed Forces currently stationed on the Korean Peninsula;

Whereas the United States and Japan have long had a close relationship based on shared interests and shared security goals;

Whereas there are nearly 40,000 United States Armed Forces currently stationed in Japan; and

Whereas the existence of a North Korean nuclear weapons program poses a real and imminent threat to the populations of South Korea, Japan, and North Korea, and United States Armed Forces in that region: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That Congress—

3 (1) calls on the Democratic People's Republic of
4 Korea (North Korea), as a signatory of the Treaty

1 on the Non-Proliferation of Nuclear Weapons, to
2 comply with Articles II, III and VI of that Treaty;

3 (2) calls on North Korea, as a signatory of the
4 U.S.-North Korea Agreed Framework of 1994, to
5 honor commitments to freeze nuclear programs;

6 (3) calls on North Korea, as a signatory of the
7 Agreed Framework of 1994, to allow the Inter-
8 national Atomic Energy Agency (IAEA) to carry out
9 inspections under conditions stipulated in the Agreed
10 Framework of 1994;

11 (4) commends the members of the Korean Pe-
12 ninsula Energy Development Organization (KEDO)
13 for honoring and upholding commitments to advance
14 the implementation of the Agreed Framework of
15 1994;

16 (5) calls on North Korea to comply with United
17 Nations Security Council Resolution 984 (April 11,
18 1995) and comply fully with its obligations under
19 the Non-Proliferation Treaty;

20 (6) calls on North Korea, as a member of the
21 United Nations, to comply with United Nations Gen-
22 eral Assembly Resolution 50/9 (November 1, 1995)
23 to cooperate fully with the IAEA;

24 (7) calls on the IAEA to report to the United
25 Nations General Assembly, not later than one year

1 after the date of the adoption of this concurrent res-
2 olution, on the status of North Korea's compliance
3 with inspections;

4 (8) calls on members of KEDO to suspend con-
5 struction of the light water reactor in North Korea,
6 including to suspend funding of such construction,
7 and to suspend shipment of heavy fuel oil to North
8 Korea if the IAEA report submitted pursuant to
9 paragraph (7) indicates non-compliance by North
10 Korea; and

11 (9) calls on the Russian Federation, the Peo-
12 ple's Republic of China, Japan, the Republic of
13 Korea, and other concerned countries to support the
14 suspension of the commitment by the United States
15 under the U.S.-North Korea Agreed Framework of
16 1994 pending compliance by North Korea with in-
17 spections criteria by the IAEA.

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