

'05

The Non-Proliferation Treaty Review Conference: **Breakthrough or Bust in '05?**

A BASIC/ORG project - Briefing 6

Challenging the NPT: North Korea's nuclear weapons programme

Background

North Korea's nuclear weapons programme is one of the most serious threats to the credibility of the Non-Proliferation Treaty (NPT) regime. For over ten years, North Korea has been in continuous non-compliance with its Treaty obligations, and has prevented the International Atomic Energy Agency (IAEA) from verifying the exclusively peaceful use of its nuclear programme.

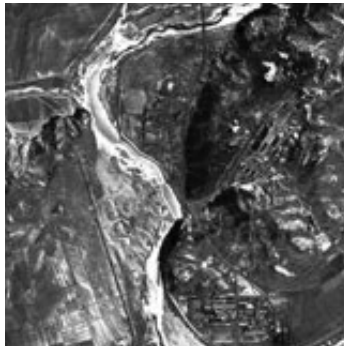
Under a 1994 Agreed Framework with the United States, North Korea accepted a 'freeze' on its nuclear weapons programme, including a halt to the reprocessing of spent nuclear fuel to extract plutonium. In exchange, North Korea was to receive heavy fuel oil for heating and electricity production and two new nuclear-power reactors that would be less suitable for producing weapon-grade plutonium. The IAEA would inspect North Korea's nuclear facilities to ensure that the agreement was not being violated.

In addition:

- political and economic relations between the US and North Korea were to be normalised;
- both countries would work for a Nuclear Weapons Free Zone (NWFZ) on the Korean peninsula; and
- the US agreed to provide formal assurances that it would not threaten to use, or actually use, nuclear weapons against North Korea.

Both sides failed to live up to their obligations. In 2001 the Bush Administration undertook a reassessment of President Clinton's policy towards North Korea due to on going concerns about its nuclear activities and the viability of the Agreed Framework.

An overtly nuclear-armed North Korea could result in the proliferation of nuclear weapons to other countries and, quite possibly, a devastating regional conflict. It is therefore imperative that the current confrontation



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Part of an 'Axis of Evil'



be expediently resolved through diplomacy and verification to enable North Korea to rejoin the NPT.

The current crisis

In January 2002, President Bush labelled North Korea part of an 'Axis of Evil' along with Iran and Iraq. In October 2002 the US asserted that North Korea had violated the 1994 Agreed Framework and accused it of pursuing a new nuclear weapons programme based on the enrichment of uranium to weapon-grade standard. This led to a serious breakdown in US-North Korea relations.

In December 2002, IAEA officials were expelled from the country. In January 2003 North Korea announced its withdrawal from the NPT, a move that many consider to be of questionable legality. North Korea now claims to be increasing its "nuclear deterrent" and has repeatedly hinted that it may conduct a nuclear weapon test.

The situation has been exacerbated by the Bush Administration's insistence that it will not engage in bilateral talks with the Kim Jong Il regime and by a lack of flexibility in the US negotiating stance.

Six Party Talks on North Korea's nuclear programme

A process of six party talks was established in 2003, involving North Korea, South Korea, China, Japan, Russia and the US, with the objective of finding a diplomatic solution to the North Korea nuclear crisis. These governments have invested heavily in the dialogue process as the primary means of addressing concerns about North Korea's nuclear weapons programme. To date, progress has been slow with many obstacles presented by the entrenched positions in Pyongyang and Washington.

Despite the lack of concrete progress, the six party talks have established a diplomatic forum for discussion of the North Korea nuclear problem. While no agreement has been reached, the presentation and limited discussion of proposals is a positive step. In June 2004, the US put forward its most detailed proposal to date, suggesting that:

- the US would provide a 'provisional' guarantee not to invade North Korea or seek regime change;
- the US would begin bilateral discussions with North Korea on the potential lifting of economic sanctions, removal from the State Department's list of state sponsors of terrorism and provision of energy aid in the longer-term;
- Russia, China, Japan and South Korea would deliver tens of thousands of tons of heavy fuel oil;



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- in exchange North Korea would commit to dismantling its plutonium and highly enriched uranium nuclear weapons programmes by shutting down all its nuclear facilities within three months;
- North Korea would fully declare all elements of its plutonium- and uranium-based nuclear programmes and open up its nuclear facilities for inspection; and
- North Korea would also disable any nuclear weapons in its possession; and prepare any nuclear materials, as well as relevant components, for removal from the country.

North Korea, however, continues to call for the US to "drop its hostile policy" and argues that it should receive an immediate "reward" in exchange for a freeze of its nuclear facilities.

Two negative trends continue to cast doubt over the feasibility of a negotiated solution. Many leading officials in the Bush Administration, and many Republicans, continue to argue for a policy of containment and isolation, with the aim of provoking the collapse of the North Korean regime. They are very critical of the 1994 Agreed Framework, viewing it as 'blackmail pay-off' to a rogue regime and a reward for unacceptable behaviour. They do not believe that North Korea will ever relinquish its nuclear capabilities.

In addition, North Korea has proved very reluctant to engage in dialogue and it is not at all clear whether the regime wants to reach a negotiated settlement. Pyongyang has set a number of improbable conditions for a nuclear 'freeze' and its continued participation in the six-party talks process is uncertain.

Future Prospects

If North Korea refuses to engage in the six party talks process the US is likely to seek other means of applying pressure on North Korea, possibly even use of force. Recent policy statements indicate that the US is not prepared to allow North Korea's current ambiguous status as a nuclear weapon state to be sustained.

A negotiated solution, however challenging, is the only long-term means of resolving the current confrontation. The other two options most often discussed, military action or containment and further isolation, offer no pragmatic route to a lasting resolution.

Military action is strongly opposed by US allies in the region since targeted air strikes against North Korea's nuclear facilities risks retaliatory strikes against South Korea and Japan and the potential for a regional, possibly nuclear, conflict.

Increased isolation with a view to the eventual collapse of the North Korean regime requires the Cupertino of regional states that is unlikely

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since South Korea, Russia and China continue to value regime stability in Pyongyang. US efforts to further isolate North Korea have proved ineffective but have allowed Pyongyang more time to develop its nuclear weapon capability and long-range ballistic missile programmes.

Recommendations

We urge NPT States Parties to:

1. Support the continuation of high-level dialogue through the six-party talks process, possibly supplemented by bilateral discussions between the US and North Korea.
2. Insist on a comprehensive settlement of this issue through a combination of diplomacy and verification with the objective of bringing North Korea into full compliance under IAEA inspection.
3. Advocate negotiation of a provisional agreement of limited scope and duration in the near-term as a necessary first step towards a broad, long-term negotiated settlement.
4. Encourage the resumption of North-South Korea dialogue to ease border tensions. This may include negotiating a new basis for a US military presence on the Korean peninsula perhaps modelled on NATO's 'Partnership for Peace'.
5. Consider options to strengthen the capacity of the Treaty to address problems such as notification of intent to withdraw from the Treaty or violation of Treaty obligations (see Briefing 1).
6. Support the proposals put forward by IAEA Director-General Dr ElBaradei, including the call for the United Nations Security Council to act swiftly and decisively in the case of any notice of withdrawal from the Treaty.

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