
North Korea and the Non-proliferation Regime (ARI)

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Theme: In this review of the implications of North Korea's behaviour during 2009 on the Non-proliferation Regime, it is stressed that if North Korea cannot be deterred from its nuclear ambitions this will deliver a serious blow to the international non-proliferation regime. It will also damage the likelihood of a successful outcome at next year's NPT Review Conference.

Summary: The behaviour of North Korea so far, and especially during 2009, can be summarised as follows: failed satellite test in April, nuclear test in May, missile tests in July and additional tests of short-range missiles in October. This seems to imply that North Korea has now made its strategic choice between conciliation and hostility and that Pyongyang believes that its future security could be better preserved by maintaining a robust nuclear weapons programme. The implications of a nuclear North Korea range from diverse strategic concerns to serious humanitarian issues, while the US is faced with a number of different options, including engagement, deterrence, military pre-emption and regime change. However, all of these options have serious limitations and none promises to achieve the goal of a non-nuclear North Korea anytime soon.

Analysis: Even by North Korea's usual provocative standards, 2009 has been an extraordinarily belligerent year. No sooner had President Barack Obama extended his open hand than the North responded with a clenched fist. Only days after being inaugurated as the 44th President of the United States, Pyongyang declared that all political and military confidence-building measures between North and South were no longer operative. It also rejected numerous offers from the new Administration to meet with senior US officials in Pyongyang or New York.

The North stepped up its hostile campaign as the year unfolded. Following a failed satellite launch in early April, the UN Security Council issued a non-binding President's statement that condemned the test. Only hours later, Pyongyang responded by announcing that the statement was 'an unbearable insult to our people and a criminal act never to be tolerated'. Further, it claimed it would never return to the Six Party Talks and would instead 'boost its nuclear deterrent for self-defence in every way'. The North also stated that it would use its entire stockpile of plutonium for nuclear weapons, re-start operations at the Yongbyon nuclear facility and test intercontinental-range ballistic missiles. It asserted that it would speed up a uranium enrichment programme it had previously denied even existed. And it booted IAEA inspectors out of the country.

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The following month, on 25 May, North Korea conducted a second nuclear test. In response, the UN Security Council passed resolution 1874, which imposed additional sanctions on the North to prevent it from engaging in WMD-related activities. North Korea answered by testing a variety of short-range missiles later that month and, just to make sure Washington got the message, by conducting seven missile tests on 4 July, America's Independence Day. In October, the North tested additional short-range missiles and later announced that the plutonium from 8,000 spent fuel rods, enough for approximately one nuclear bomb, had now been separated and used for its nuclear weapons programme.

These statements and actions appeared to reflect that Kim Jong-il had finally answered the question that had so divided US policy makers during the Clinton and Bush years. The North's 'Dear Leader' had now made his strategic choice between conciliation and hostility. Pyongyang seemed to believe that its future security could be better preserved by maintaining a robust nuclear weapons programme than by opening up its country to outside market forces and normalising relations with old adversaries.

Implications of Pyongyang's Behaviour

Why should the US, Europe and the other members of the international non-proliferation regime care about the actions of a small, isolated, dysfunctional and impoverished country? After all, as a former US Secretary of State once commented, the North Koreans can't eat their nuclear weapons. And US and South Korean forces have managed to deter North Korean aggression and keep the peace on the Korean peninsula since the 1953 Armistice Agreement.

All this is true, but beside the point. The North's nuclear weapons programme, along with its biological and chemical weapons programmes, ballistic missiles and million-man conventional army, threatens the peace and stability of North-East Asia, the most economically dynamic region in the world. There is always the possibility that deterrence might fail and the North will use these weapons. There is the far greater chance that North Korea might sell or transfer these technologies to other countries around the world. In fact, Pyongyang already has a long track record of missile sales to Pakistan and countries in the Middle East, including Syria and Iran. It also exported to Syria an entire plutonium-production reactor (which Israel destroyed in September 2007).

Even if Pyongyang does not export its WMD technologies, their very existence creates incentives for other countries in the region to follow suit. South Korea launched a secret nuclear weapons programme during the 1970s and has the industrial capacity to do so again. Japan has the plutonium needed for a robust nuclear weapons programme and has (secretly) examined this option twice within the past 15 years. In this sense, North Korea is a proliferation 'driver', causing other countries in the region to rethink their non-proliferation bargain and perhaps start to hedge their nuclear bets. There is good reason to believe that Iran is also watching North Korea's behaviour closely, seeing how the US and the international community react to a growing nuclear weapons programme that successive American Presidents have publicly called 'unacceptable'.

None of this is good for the current and future health of the NPT and the non-proliferation regime. The absence of any significant penalties imposed on North Korea (and Iran) for their repeated and brazen violations of their NPT and IAEA commitments reflects the sorry state of the international non-proliferation regime in the early 21st century. No policy maker expects that effective international sanctions will be adopted against either country. Or, if adopted, that they will be enforced, especially at a time of global recession (the US

handling of the Banco Delta Asia case set a particularly poor precedent: in September 2005, the Bush Administration moved against North Korean bank accounts which contained proceeds allegedly from illicit activities and announced it would not release them; over the ensuing twelve months, the Administration's position evolved from not releasing any of the proceeds, to releasing some of the proceeds, to pleading with Pyongyang to take all the proceeds in the accounts so that it would return to the Six Party Talks). So the unacceptable may yet turn out to be accepted.

Despite President Obama's stated desire to reduce the importance of nuclear weapons in international affairs, the North's actions threaten to undermine his plans. If North Korea remains a nuclear weapons state, nuclear weapons are likely to become more, not less, relevant to regional and global security. One consequence is that there will be a renewed discussion and debate on what used to be called extended deterrence during the Cold War. Washington will be forced to reassure its East Asian and Middle Eastern friends and allies that they fall under its nuclear umbrella. The US will be compelled to extend security assurances and guarantees to cope with both a nuclear-armed North Korea and Iran and to try to prevent these two countries from triggering a cascade of additional nuclear proliferation in their respective regions. This has already happened. While in Seoul this autumn, the Secretary of Defense, Robert Gates, stated that the US would always be ready to help defend South Korea against North Korean aggression. Earlier, the Secretary of State, Hillary Clinton, performed this same role during the summer when she speculated that the US might extend a 'defence umbrella' over the Gulf region should Iran join the nuclear club. Whether by reinforcing America's nuclear umbrella or by having non-nuclear weapons states rethink their non-nuclear bargain, the North's behaviour (and Iran's) will impact next year's NPT Review Conference, as well as NATO's Strategic Review.

In addition to strategic concerns, the humanitarian factor also explains why the international community cares about North Korea. The Kim Jong-il regime is a massive human rights violator; the country is the world's largest political prison. During the mid-1990s, over 1 million people either starved to death or died of malnutrition-related illnesses. This autumn and winter, millions of North Koreans will again suffer through as best they can the regime's inability to provide basic staples such as food, shelter and heating.

US Options on North Korea

So what should the US do? What is the policy goal?

Ideally, Washington would like a unified, democratic and non-nuclear Korean peninsula allied to the US. The Obama Administration has four possible options for realising this goal.

The first option is engagement. The Obama Administration has expressed its desire to move North Korea back to the Six-Party Talks, but only if Pyongyang agrees to commit itself to becoming a non-nuclear weapons state. So far, Pyongyang has rejected this offer, instead stating that it would return to the negotiating table only if the US recognises it as a nuclear weapons state. It later qualified that statement by asserting that it would only surrender its nuclear weapons if the US breaks its alliance with South Korea, removes all of its forces and forges an alliance with the North. Unless either or both sides compromise, an early return to the Six-Party Talks anytime soon looks highly unlikely.

Even assuming for the moment that the two parties are somehow able to bridge this seemingly unbridgeable divide, talks are sure to founder quickly on the issue of verification. This issue was the main reason the North walked away from the negotiating table during the Bush Administration. The verification challenges have not got any easier since then.

The North is the world's most secretive regime and intelligence sources have estimated that it contains over 10,000 tunnels throughout its territory. Aside from the substantive challenge of physically inspecting all possible nuclear sites, there are also important procedural ones. Who conducts the inspections? The North does not like the IAEA; South Korea and Japan are non-nuclear weapons states and its nationals should not be given access to the North's nuclear weapons. What sites will be inspected and what ones will be off-limits? Often, nuclear facilities are co-located with military bases, increasing the sensitivity of having foreigners snooping around. What is the standard for verification success and who decides if it has been met? In other words, how much uncertainty can the other parties to the Six-Party Talks accept and what if each party has a different standard for success? All nuclear weapons states have 'material unaccounted for' (MUF). How much MUF would be tolerated in North Korea's case? And who decides?

The second option is to continue to deter and contain the North, an approach that has kept peace on the Korean peninsula for over 55 years. But this approach has limitations. It is highly likely that a North Korean invasion of the South can continue to be deterred. But it is far less likely that the US and others can deter the North from continuing to acquire additional nuclear material and weapons, from conducting additional nuclear and ballistic missile tests and perhaps even from transferring its nuclear technology to other countries. Indeed, the North has not been deterred from engaging in any of these activities during the past few decades.

A third policy option is military pre-emption against the North's nuclear and ballistic missile sites. This option was discussed during the Bush Administration and even by some Democratic officials who are now in the Obama Administration.

One immediate obstacle is that it is impossible to hit what you cannot find. Although the US could destroy much of the North's nuclear infrastructure, there is little confidence that it knows where to find all of its nuclear material. And there is always the risk that even a limited strike against the North's nuclear and ballistic missile facilities would cause the Kim Jong-il regime to lash out in an all-out war in response. Some experts have estimated that a second Korean war would result in US\$1 trillion of economic loss and over 1 million casualties. It is inconceivable that any South Korean government would ever agree to support a US policy of military pre-emption, short of an imminent attack by the North.

This leaves option four: regime change. If even a limited military strike is unfeasible for all of the reasons cited above, invading the North is out of the question.

But is there any way the Kim Jong-il regime could be toppled by internal forces or by an insurgent movement based outside the country? Sadly, no. There is no evidence to suggest that there is any organised internal opposition to Kim Jong-il. Indeed, it would be surprising if there were, given the regime's almost complete control over the lives of its citizens from birth to death and its extensive surveillance system. There is also no evidence of any insurgent movement and it is highly unlikely that the North's neighbours would be willing to support one on its borders even if it existed.

Conclusions: All of these options have serious limitations. None promises to achieve the goal of a non-nuclear North Korea anytime soon. If North Korea cannot be deterred from its nuclear ambitions, this will not only reduce the credibility of the US. It will also deliver a serious blow to the international non-proliferation regime. It will damage the likelihood of a successful outcome at next year's NPT Review Conference. It will inhibit the willingness of the non-nuclear weapon states to sign up for enhanced safeguards measures, such as the Additional Protocol. It will encourage those inside the Iranian regime who want to preserve the country's nuclear weapons capabilities. It will increase scepticism over the utility of international sanctions on proliferators. It will impede efforts to ratify a Comprehensive Test Ban Treaty and Fissile Material Cut-off Treaty. And at the same time, it will inexorably increase the role that nuclear weapons play in regional and international security.

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