

PRESENTATION

THE DPRK NUCLEAR ISSUE¹ AFTER THE FOURTH TEST

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The DPRK Nuclear Issue

This past January 2016 North Korea conducted its fourth nuclear test. Undoubtedly, Pyongyang's continued pursuit of nuclear weapons development poses critical problems on multiple fronts.

First of all, it represents a major threat to the peace and stability on the Korean peninsula and in Northeast Asia at large. All of North Korea's regional neighbors have expressed that they cannot accept a nuclear-armed DPRK. Their support of the latest round of UN sanctions is a clear message to North Korea that its adherence to the nuclear program is not a viable option. They all call for a nuclear

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free Korean Peninsula; anything less is unacceptable. Ultimately, a nuclear North Korea threatens the global nonproliferation regime and regional security.

North Korea's nuclear capability is a potential factor for a regional arms buildup. For instance, we have seen that North Korea's nuclear weapons development has emboldened South Korean hardliners to raise the once taboo question of whether South Korea should build its own nuclear arsenal.² North Korea's fourth nuclear test has rekindled the debate.³ North Korea's growing capability, coupled with uncertainty about the strength of US extended deterrence in Asia, has evoked similar sentiments in Japan.⁴

The most recent nuclear test also led Seoul and Washington to launch formal talks in March and later officially agree in July to deploy THAAD (Terminal High Altitude Area Defense) missile defense system on South Korean soil, citing North Korea's growing nuclear and ballistic missile capabilities as the reason and shrugging off the strong protest of China and Russia, who view the deployment as aimed at them.⁵ Furthermore, the US and ROK held their largest

2 Barbara Demick, "More South Koreans Support Developing Nuclear Weapons," *LA Times*, March 18, 2013.

3 Robert Kelly, "South Korea's Nuclear Temptation," *The Diplomat*, March 1, 2016; Gordon G. Chang, "Will South Korea Rethink Its Nuke Policy?" *World Affairs Journal*, January 12, 2016.

4 Danielle Demetriou, "Japan 'Should Develop Nuclear Weapons' to Counter North Korea Threat," *Telegraph*, April 20, 2009; Eric Johnson, "Osaka Governor Says Japan Should Debate Need for Nuclear Weapons," *Japan Times*, March 30, 2016; Admiral Dennis Blair and General Masayuki Hironaka, "The North Korean Nuclear Test and the US-Japan Alliance," *The Diplomat*, January 24, 2016.

5 Choe Sang-Hun, "South Korea and U.S. Agree to Deploy Missile Defense System," *New York Times*, July 7, 2016; Jack Kim, "South Korea, U.S. to Deploy THAAD Missile Defense, Drawing China Rebuke," *Reuters*, July 8,

ever annual joint military exercises this past spring—an operation that Pyongyang interpreted as “nuclear war moves.”⁶ Indeed, recent reports question whether the nuclear great powers themselves—that is, China, Russia, and the US—are already in a “Cold War-like spiral” toward a “second nuclear age” as they race to develop more sophisticated nuclear arms.⁷ North Korea’s own nuclear-weapons pursuit will only serve to increase hardline attitudes, exacerbate regional tensions, heighten fears in Seoul and Tokyo, and fuel Cold War tendencies.

Pyongyang’s nuclear weapons ambitions serve as a structural barrier to improvement in inter-Korean relations. South Korea has condemned North Korea’s nuclear tests since the first one was conducted in October 2006. For the incumbent administration in Seoul, North Korea’s willingness toward denuclearization has been made a precondition to improved inter-Korean relations that have already been severely damaged during the previous Lee Myung-bak administration. Seoul’s current policy toward the North, its so-called “trust-building process,” has promised improvement in relations between the two Koreas; but the policy is said to be “built on a solid

2016. Despite the public outcry in South Korea—as approximately half the population is opposed to the deployment—the South Korean government later announced that the anti-missile battery system would be staged in the vicinity of the southeastern county of Seongju and be operational by the end of 2017. See Jack Kim and Ju-min Park, “South Korea chooses site of THAAD U.S. missile system amid protests,” *Reuters*, July 13, 2016; Charlie Campbell, “Backlash Over THAAD Shows Why the Kim Clan Have Terrorized North Korea for So Long,” *Time*, July 15, 2016.

6 Reuters, “South Korea, U.S. begin exercises as North Korea Threatens Attack,” March 7, 2016.

7 William J. Broad and David E. Sanger, “Race for the Latest Class of Nuclear Arms Threatens to Revise Cold War,” *New York Times*, April 16, 2016.

foundation of security” to “deter North Korea provocations based on strong deterrence,” with Seoul encouraging Pyongyang to “scrap its nuclear program and abide by international norms and obligations.”⁸ It is predicated on the position that Pyongyang first must show its sincerity for denuclearization. Intrinsically, that means halting all nuclear testing—as such is seen as a grave provocation and threat to peace on the peninsula—and return to the Six-Party Talks, the multilateral forum established to negotiate a peaceful solution to the nuclear issue.

North Korea’s continued nuclear pursuit stands as an impediment to the country’s economic development. Its nuclear testing has only served to increase the severity of international and bilateral sanctions against the country, thus negatively impacting its trade, and furthering Pyongyang’s diplomatic and economic isolation. The latest round of UN sanctions—that is, UN Security Council Resolution 2270—is illustrative of this. Indeed, North Korea’s ability to attract significant foreign investment and earn hard currency for its economic development will prove illusive unless provocations cease and genuine progress is made in negotiating a solution to the nuclear issue.

Where Do We Stand?

To understand the nuclear issue, we must go back to early 1990s—the advent of “the first nuclear crisis” on the Korean peninsula. In the wake of the collapse of the communist bloc in the early 1990s, loss

8 Ministry of Unification, “Trust Building Process on the Korean Peninsula,” September 2013, <http://eng.unikorea.go.kr/content.do?cmsid=1920&mode=view&page=&cid=32799>.

of North Korea's system of preferential barter trade, and uncertainty of security support from its traditional allies, North Korea's threat perception peaked. Seoul had normalized relations with its Cold War adversaries, China and Russia; but Pyongyang failed to do the same with its enemies, the US and Japan. Isolated and growing more insecure, North Korea decided to 'go-it-alone'. Overwhelmed by the "hostile policy" of a military super-power, it has adopted a kind of balancing strategy of its own against the United States by posing asymmetrical challenges and threats.⁹

After IAEA inspectors found "discrepancies" in North Korea's 1992 nuclear materials declaration, special inspections of DPRK facilities were demanded in February 1993. North Korea refused. Pyongyang announced its intent to withdraw from the NPT—which it had only officially ascended to a year earlier. Over the next year and a half, the situation would spiral downward to the point where President Bill Clinton entertained the idea of a surgical strike on the North Korean nuclear facilities in the spring of 1994. Former President Jimmy Carter's trip to Pyongyang in June that year stopped the attack and instead his discussions with Kim Il Sung helped to confirm a "freeze" of North Korea's nuclear programs—and in the process prevent UN sanctions and avert a war. Despite Kim Il Sung's sudden death in July, four months of bilateral US-DPRK negotiations would lead to the "Geneva Agreed Framework" of October 1994, a bilateral agreement to halt North Korea's nuclear programs. The agreement also called for movement toward full normalization of US-DPRK political and economic relations.

Improvements in the security environment would follow for the

9 Kyung-Ae Park, "North Korean Strategies in the Asymmetric Nuclear Conflict with the United States," *Asian Perspective* 34:1 (2010), pp. 11-47.

next eight years primarily because of the engagement policy taken by two liberal administrations of Kim Dae-jung and Roh Moo-hyun in Seoul. Most significant would be the improvement in inter-Korean relations, highlighted by the first ever inter-Korean summit held in June 2000. The Geneva Agreement has been, slow and rocky it may be, implemented with collective support by the US, South Korea and even Japan.

But after the advent of the George Bush administration in 2001, lack of commitment and bad faith on both sides—that is, between Pyongyang and Washington—would lead to the collapse of the Agreed Framework. The collapse has turned out to be a major blow to denuclearization of North Korea.

In October 2002, the nuclear issue resurfaced after allegations and controversy over North Korea's possession of a clandestine uranium enrichment program. US/IAEA accusations and Pyongyang's refusals—over not only its nuclear but also missile programs—would subsequently lead to North Korea's withdrawal from the NPT in January 2003.

Turbulence in the NEA security environment would ensue. Eventually, in August 2003, a six-party negotiation framework, the Six-Party Talks(6PT), was formed to specifically deal with the security concerns created by the nuclear issue. This included all relevant parties: the two Koreas, the United States, China, Japan, and Russia.

Over the following two years, despite hiatuses and diverging interests, the 6PT would make progress, most notably during the fourth round of talks and signing of the “September 19 joint statement” in 2005.

But this, too, came to a critical juncture in October 2006 when North Korea conducted its first nuclear test. International sanctions

ensued. But the parties committed to diplomacy to resolve the impasse, generating positive momentum to resume talks. Talks in February 2007 culminated in the signing of a detailed “action plan” for all parties to move the peninsular denuclearization efforts forward, including by means of five issue-specific Working Groups. The subsequent constructive bilateral consultations and coordination helped build confidence among the actors, and in particular helped repair bones of contention (that is, the Banco Delta Asia issue) that obstructed further progress from being made.

A second inter-Korean summit was held in October 2007, which coincided with 6PT negotiations. The contents and outcomes of the summit suggested Pyongyang’s awareness that expanding inter-Korean economic relations, as well as putting an enduring peace framework in place, is based on North Korea’s own commitment to resolving the nuclear issue.

But eventually unsatisfactory North Korean declarations, delays in agreed upon energy assistance, and failure to reach an agreement on verification, *inter alia*, would bring the 6PT to a stalemate. The 6PT has not convened since December 2008 and has been suspended since April 2009.

Since then, North Korea has conducted tests of nuclear explosive devices in May 2009, February 2013, and January 2016. Its nuclear-bomb making capability has increased. Notably its uranium enrichment facilities—as revealed in November 2010¹⁰—and ability to produce weapons-grade plutonium has been augmented. Pyongyang claims to have tested a thermonuclear device this past January. The

10 Siegfried S. Hecker, “A Return Trip to North Korea’s Yongbyon Nuclear Complex,” NAPSNet Special Report, Nautilus Institute, November 22, 2010.

North Korean leader reportedly seeks to boost the country's nuclear arsenal for deterrent purposes.¹¹ North Korea has stated it intends to improve the “quality and quantity” of its nuclear stockpile—assessed to be between 10 to 16 bombs, and estimated to be capable of producing 100 by 2020.¹² Likewise, its missile programs—also a grave threat to regional security—have seen significant upgrading and expansion over these years.¹³ This includes technical advancements to mount nuclear warheads on ballistic missiles.¹⁴ One can only speculate that the North Korean regime will continue to strengthen the country's nuclear weapons capabilities.

Predictably, the fourth nuclear test brought about condemnation from the international community. As a consequence we have seen active diplomacy by South Korea and the members of the UN Security Council. The outcome has been the UNSC's adoption of Resolution 2270 on March 2, which brings down the most stringent sanctions to date against the DPRK.¹⁵

Even North Korea's lone ally, China, has shown active diplomacy in this regard. Beijing helped to negotiate with Washington the latest UNSC resolution. And on the sideline of the recent nuclear security summit in Washington, US president Barack Obama and Chinese president Xi Jinping expressed a “commitment to the denuclearization of the Korean Peninsula and full implementation of U.N. sanctions,”

11 “Kim Jong Un Guides Work for Increasing Nuclear Arsenal,” KCNA, March 9, 2016.

12 Joel S. Wit and Sun Young Ahn, “North Korea's Nuclear Futures: Technology and Strategy,” US-Korea Institute at SAIS, 2015.

13 *Ibid.*

14 “Kim Jong Un Guides Work for Mounting Nuclear Warheads on Ballistic Rockets,” KCNA, March 9, 2016.

15 For the UNSC members' statements and contents of UNSC Resolution 2270, see <http://www.un.org/press/en/2016/sc12267.doc.htm>.

and that they will “enhance communication and coordination on the Korea nuclear issue.”¹⁶

Will Sanctions Work?

The big question is, will the latest round of sanctions work?

Over the years we have seen numerous UN sanctions adopted following North Korea’s nuclear and missile provocations.

Yet there are no signs that the sanctions policy has been effective. Many analysts argued that sanctions don’t work. Due to North Korea’s economic isolation, stiffer sanctions are unlikely to have the desired effect. In fact, even under sanctions, the North Korean economy has shown improvement and plus growth rates. Obviously, there are many ways that North Korea evades sanctions.

UN Security Council Resolutions (2006 ~ 2016)

S/RES/1695 (July 15, 2006) Condemned North Korea’s 2006 launch of ballistic missiles and imposed sanctions.

S/RES/1718 (October 14, 2006) Expressed concern over North Korea’s 2006 nuclear test, imposed sanctions and set up the Sanctions Committee.

S/RES/1874 (June 12, 2009) Expressed concern over North Korea’s 2009 nuclear test. Extended sanctions to concern all arms material and related financial transactions, technical training, advice, services or assistance, manufacture and maintenance. Set up the Panel of Experts to assist the Sanctions Committee.

¹⁶ “Remarks by President Obama and President Xi of the People’s Republic of China before Bilateral Meeting,” The White House, March 31, 2016.

S/RES/1887 (September 24, 2009) Called for implementing the UNSC Resolution 1540 for nuclear nonproliferation and disarmament.

S/RES/1928 (June 7, 2010) Extended the mandate of the Panel of Experts until 12 June 2011.

S/RES/1985 (June 10, 2011) Extended the mandate of the Panel of Experts until 12 June 2012 and asked it to submit its midterm and final reports to the Sanctions Committee for discussion one month before they are submitted to the Security Council.

S/RES/2050 (June 12, 2012) Extended the mandate of the Panel of Experts until 12 June 2013.

S/RES/2087 (January 22, 2013) Condemned North Korea's 2012 satellite launch and added to sanctions.

S/RES/2094 (March 7, 2013) Imposed sanctions after North Korea's 2013 nuclear test. 7 March 2013

S/RES/2141 (March 5, 2014) Extended the mandate of the Panel of Experts until 5 April 2015.

S/RES/2207 (March 4, 2015) Extended the mandate of the Panel of Experts until 5 April 2016.

S/RES/2270 (March 2, 2016) Imposed sanctions after North Korea's 2016 nuclear and missile tests. Sanctions include inspection of all passing cargo to and from North Korea, prohibition of all weapons trade with the country, additional restrictions on North Korean imports of luxury goods, and expulsion of certain North Korean diplomats suspected of illicit activities.

The most recent UN sanctions, brought down in March 2016 via adoption of UN Security Council Resolution 2270, are supposedly more stringent than ever. It expands the scope of existing sanctions. However, as always, UN member-states' compliance with the sanctions

will determine the effectiveness of the expanded scope.

Many countries also have implemented bilateral sanctions against the DPRK, including the United States, Canada, Japan, Australia, the EU, and South Korea, among others, as they view North Korea's nuclear programs as a global security and proliferation threat.¹⁷ But North Korea has been under unilaterally-imposed US embargos and various sanctions since the Korean War (1950). They have dealt with sanctions for decades.

Recently, the ROK government has demonstrated an “all-in” approach to sanctions. In February Seoul shut down the last remaining major inter-Korean cooperation project, the Kaesong Industrial Complex. Obviously, the aim is to stop inflow of hard currency into Pyongyang and to force North Korea to capitulate or face economic collapse.

China's position—that is, “sanction is not the goal”, but rather “an instrument for non-nuclearization”—diverges from the US and South Korean sanctions only position. China has been reluctant to use trade leverage against North Korea, for various reasons, but partly because Beijing fears such might set off the collapse of the regime in the DPRK and cause regional instability. China has over these years taken the position of “stability first” on the Korean peninsula. Indeed, Article 49 and 50 of UNSC Resolution 2270 emphasize the “importance of maintaining peace and stability on the Korean Peninsula and in Northeast Asia at large, and expresses its commitment to a peaceful, diplomatic and political solution to the situation,” while reaffirming

17 For example, see the US Office of Foreign Assets Control's current sanctions against the DPRK. OFAC, “North Korea Sanctions Program,” June 3, 2015. <https://www.treasury.gov/resource-center/sanctions/Programs/Documents/nkorea.pdf>

support of the 6PT and “the commitments set forth in the Joint Statement of 19 September 2005 issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation, and the United States, including that the goal of the 6PT is the verifiable denuclearization of the Korean Peninsula in a peaceful manner, that the United States and the DPRK undertook to respect each other’s sovereignty and exist peacefully together, and that the Six Parties undertook to promote economic cooperation, and all other relevant commitments.” China’s strong support for the 6PT and for the implementation of ‘September 19 joint statement’ are reflected in the newest UNSC resolution.

The big picture suggests that a heavy sanctions policy has failed in the past to bring about the desired change in North Korea’s behavior. This time, once again there are noticeable limitations to sanctions, especially in terms of implementation.¹⁸ What is more, sanctions tend to lead to adaptation and further provocative actions by North Korea, trapping us in a vicious cycle: that is, North Korea’s provocative action, followed by international sanctions, followed by Pyongyang’s opposition and further provocations, more sanctions, etc. Sanctions alone do not seem to be the answer.

How to Resume Six Party Talks

To resolve the nuclear issue, North Korea must be brought back to the dialogue table—specifically, the Six-Party Talks. Indeed Article 50 of the Resolution 2270 reassures support of the 6PT. Then how to resume the 6PT is the real question that faces all concerned parties in Northeast Asia.

18 Andrea Berger, “The 2016 UN Panel of Experts Report: An Eye-Opening Account of Persistent Blindness,” *38 North*, April 19, 2016.

Criticized in the past as a “crisis management mechanism,” the 6PT process, like other multilateral efforts, has its flaws and vulnerabilities. It isn’t perfect.

But up to this point in time, the 6PT is the only venue to deal with the DPRK nuclear issue. It has shown value and utility. Critics may ask, “How so?” Well, while the six-party process was working, we did not see repeated provocations from North Korea. Also, the September 2005 Joint Statement is the most comprehensive security cooperation charter that the parties to the talks have agreed upon, establishing a foundation in which to resume dialogue.

Following North Korea’s fourth nuclear test, there has been a renewed consensus on the value of the 6PT. But to get North Korea to the talks, preconditions of “denuclearization first”—however desirable—are not likely to move the North Koreans toward dialogue. Pyongyang’s security concerns will have to be addressed, as the Chinese government repeatedly emphasized.

In this context, China put forth a new proposal that we start a simultaneous dialogue process that discusses ‘non-nuclearization’ of the Korean Peninsula and a ‘peace agreement’ to end the Korean War. In particular, progress needs to be made on a peace agreement. Offering to commence dialogue on the issue could be put forward as an incentive to bring North Korea back to the 6PT process.

Unquestionably, however, getting North Korea back to the 6PT will

be a herculean challenge, as Pyongyang views the talks as “dead.”¹⁹ At this stage, it might be premature to resume this forum. Unless certain preconditions are met by the DPRK, the 6PT is unlikely to be resumed.

Under the current long stalemate, the 6PT will need to take a minimalist approach, that is, to set its goal lower. DPRK’s moratorium on the nuclear and missile firing tests in return for a nominal US humanitarian aid that the United States and North Korea have formulated and agreed in 2012 may be a useful reference. The urgent task may be to stop leaving North Korean nuclear programs free-floating. The DPRK nuclear program needs to be put under some kind of international control in order to end the current negligence of the problem. If not, and we continue on the current course, North Korea will carry on with its nuclear ambitions and tests.

19 Reportedly, Choe Son Hui, the North Korean delegate to the 26th Northeast Asian Cooperation Dialogue (NEACD) held June 22-23, 2016, said during the closed-door session that “six party talks are dead” and also reiterated Pyongyang’s position that North Korea will never give up its nuclear deterrent unless the “entire world abandons nuclear weapons.” Since the suspension of the 6PT in December 2008, the NEACD—a Track II gathering—is the only mechanism that brings nuclear envoys from the 6PT countries to one table. North Korea did not participate in the dialogue in 2014 and 2015. Elizabeth Shim, “North Korea says six-party talks on denuclearization are ‘dead,’” UPI, June 22, 2016.