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AIIA Policy Commentary **A Nuclear North Korea?**

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A Nuclear North Korea?

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Statement by the Democratic People's Republic of Korea
(3 October 2006)

The Foreign Ministry of the DPRK

Pyongyang, October 3 (KONA) — The Foreign Minister of the Democratic People's Republic of Korea issued the following statement Tuesday solemnly clarifying the DPRK stand on the new measure to be taken by it to bolster its war deterrent for self-defence: The US daily increasing threat of a nuclear war and its vicious sanctions and pressure have caused a grave situation on the Korean Peninsula in which the supreme interests and security of our State are seriously infringed upon and the Korean nation stands at the crossroads of life and death.

The US has become more frantic in its military exercises and arms build-up on the peninsula and in its vicinity for the purpose of launching the second Korean war since it made a de facto 'declaration of war' against the DPRK through the recent brigandish adoption of a UNSC resolution.

At the same time it is making desperate efforts to internationalise the sanctions and blockage against the DPRK by leaving no dastardly means and methods untried in a foolish attempt to isolate and stifle it economically and bring down the socialist system chosen by its people themselves.

The present Bush administration has gone the lengths of making [an] ultimatum that it would punish the DPRK if it refuses to yield to the US within the timetable set by it. Under the present situation in which the US moves to isolate and stifle the DPRK have reached the worst phase, going beyond the extremity, the DPRK can no longer remain an on-looker to the developments.

The DPRK has already declared that it would take all necessary countermeasures to defend the sovereignty of the country and the dignity of the nation from the Bush administration's vicious hostile actions.

The DPRK Foreign Ministry is authorised to solemnly declare as follows in connection with the new measure to be taken to bolster the war for self-defence:

Firstly, the field of scientific research of the DPRK will in the future conduct a nuclear test under the condition where safety is firmly guaranteed.

The DPRK was compelled to pull out of the NPT as the present US administration scrapped the DPRK-US Agreed Framework and seriously threatened the DPRK's sovereignty and right to existence.

The DPRK officially announced that it manufactured up-to-date nuclear weapons after going through transparent legitimate processes to cope with the US escalated threat of a nuclear war and sanctions and pressure.

The already declared possession of nuclear weapons presupposed the nuclear test.

The US extreme threat of a nuclear war and sanctions and pressure compel the DPRK to conduct a nuclear test, an essential process for bolstering nuclear deterrent, as a corresponding measure for defence.

Secondly, the DPRK will never use nuclear weapons first but strictly prohibit any threat of nuclear weapons and nuclear transfer.

A people without [a] reliable war deterrent are bound to meet a tragic death and the sovereignty of their country is bound to be wantonly infringed upon. This is a bitter lesson taught by the bloodshed resulting from the law of the jungle in different parts of the world.

The DPRK's nuclear weapons will serve as [a] reliable war deterrent for protecting the supreme interests of the state and the security of the Korean nation from the US threat of aggression and averting a new war and firmly safeguarding peace and stability on the Korean peninsula under any circumstances.

The DPRK will always sincerely implement its international commitment in the field of nuclear non-proliferation as a responsible nuclear weapons state.

Thirdly, the DPRK will do its utmost to realise the denuclearisation of the peninsula and give impetus to the world-wide nuclear disarmament and the ultimate elimination of nuclear weapons.

As the DPRK has been exposed to the US nuclear threat and blackmail over the past more than half a century, it proposed the denuclearisation of the peninsula before any others and has since made utmost efforts to that end.

The US, however, abused the idea of denuclearisation set out by the DPRK for isolating and stifling the ideology and system chosen by its people, while systematically disregarding all its magnanimity and sincerity.

The ultimate goal of the DPRK is not a 'denuclearisation' to be followed by its unilateral disarmament but one aimed at settling the hostile relations between the DPRK and the US and removing the very source of all nuclear threats from the Korean Peninsula and its vicinity.

There is no change in the principled stand of the DPRK to materialise the denuclearisation of the peninsula through dialogue and negotiation.

The DPRK will make positive efforts to denuclearise the peninsula its own way without fail despite all challenges and difficulties.

This Statement by the Foreign Ministry of the DPRK was carried by KONA, the official North Korean news agency, Pyongyang on 3 October 2006.

**Statement by the Foreign Minister of Australia
(10 October 2006)**

The Hon Alexander Downer, MP

Australia strongly condemns North Korea's announcement that it has conducted a nuclear weapons test, despite calls by Australia and the international community that it exercise restraint. North Korea's nuclear weapons program is a grave threat to peace and security in the region and beyond and an expression of flagrant disregard for the international non proliferation regime that the international community is strongly resolved to protect.

This provocative course of action was carried out in complete defiance of the spirit in which UNSC resolution 1695 was unanimously adopted. It contravenes the commitments North Korea undertook in the 19 September 2005 Joint statement including to abandon all nuclear weapons and nuclear weapons programs, return to the NPT and to IAEA safeguards at an early date.

The unanimous condemnation by the UN Security Council on 9 October of North Korea's actions demonstrates the strength of the international community's resolve on this issue.

It is clear that North Korea, by announcing a nuclear weapons test, has made a strategic decision not to follow the path of engagement and denuclearisation. The international community now has no choice but to adopt strategies to contain North Korea's mindless and provocative pursuit of nuclear weapons. Australia stands firmly behind these efforts and, where appropriate, will implement further sanctions against North Korea, in addition to those announced on 19 September.

North Korea has seriously miscalculated if it believes that nuclear weapons will augment its security. Its security can only be found through dialogue and peaceful co-existence, not isolation and provocation. North Korea's actions risk fuelling a regional arms race, further undermining its own security.

North Korea is the only party placing conditions on reconvening the six-party talks, the most effective mechanism to resolve the nuclear

issue, and a process to which the other five parties have committed in good faith. US financial sanctions, and similar measures recently implemented by Australia and Japan, are legitimate law enforcement actions

In response to North Korea's announcement, I have authorised additional restrictions on DPRK visas, with very limited exceptions, including the cancellation of some existing DPRK visas.

Australia will also support the strongest possible UNSC action, with explicit Chapter VII sanctions, and will actively support strong expressions of condemnation in other multilateral fora.

The bilateral relationship will suffer further repercussions should North Korea continue down this path of provocation.

North Korea's actions place into even sharper focus the plight of the North Korean people who have been made vulnerable by North Korean government policies that divert scarce national resources into WMD programs.

This Statement by the Foreign Minister was delivered as a media release on 10 October 2006.

United Nations Security Council Resolution 1718 (14 October 2006)

The Security Council,

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004) and, in particular, resolution 1695 (2006), as well as the statement of its President of 6 October 2006 (S/PRST/2006/41),

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Expressing the gravest concern at the claim by the Democratic People's Republic of Korea (DPRK) that it has conducted a test of a nuclear weapon on 9 October 2006, and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

Expressing its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and recalling that the DPRK cannot have the status of a nuclear-weapon state in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons,

Deploing the DPRK's announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons and its pursuit of nuclear weapons,

Deploing further that the DPRK has refused to return to the Six-Party talks without precondition,

Endorsing the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States,

Underlining the importance that the DPRK respond to other security and humanitarian concerns of the international community,

Expressing profound concern that the test claimed by the DPRK has generated increased tension in the region and beyond, and determining therefore that there is a clear threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* the nuclear test proclaimed by the DPRK on 9 October 2006 in flagrant disregard of its relevant resolutions, in particular resolution 1695 (2006), as well as of the statement of its President of 6 October 2006 (S/PRST/2006/41), including that such a test would bring universal condemnation of the international community and would represent a clear threat to international peace and security;
2. *Demands* that the DPRK not conduct any further nuclear test or launch of a ballistic missile;
3. *Demands* that the DPRK immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;
4. *Demands* further that the DPRK return to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards, and underlines the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to continue to comply with their Treaty obligations;
5. *Decides* that the DPRK shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launching;
6. *Decides* that the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, shall act strictly in accordance with the obligations applicable to parties under the Treaty on the Non-Proliferation of Nuclear Weapons and the terms and conditions of its International Atomic Energy Agency (IAEA) Safeguards Agreement (IAEA INFCIRC/403) and shall provide the IAEA

transparency measures extending beyond these requirements, including such access to individuals, documentation, equipments and facilities as may be required and deemed necessary by the IAEA;

7. *Decides* also that the DPRK shall abandon all other existing weapons of mass destruction and ballistic missile programme in a complete, verifiable and irreversible manner;
8. *Decides* that:
 - (a) All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:
 - (i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);
 - (ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;
 - (iii) Luxury goods;
 - (b) The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;

- (c) All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above;
- (d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;
- (e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;
- (f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;

9. *Decides* that the provisions of paragraph 8 (d) above do not apply to financial or other assets or resources that have been determined by relevant States:
- (a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorise, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within five working days of such notification;
 - (b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or
 - (c) To be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 8 (d) above or an individual or entity identified by the Security Council or the Committee, and has been notified by the relevant States to the Committee;
10. *Decides* that the measures imposed by paragraph 8 (e) above shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution;
11. *Calls upon* all Member States to report to the Security Council within thirty days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 above;

12. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:
- (a) To seek from all States, in particular those producing or possessing the items, materials, equipment, goods and technology referred to in paragraph 8 (a) above, information regarding the actions taken by them to implement effectively the measures imposed by paragraph 8 above of this resolution and whatever further information it may consider useful in this regard;
 - (b) To examine and take appropriate action on information regarding alleged violations of measures imposed by paragraph 8 of this resolution;
 - (c) To consider and decide upon requests for exemptions set out in paragraphs 9 and 10 above;
 - (d) To determine additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8 (a) (i) and 8 (a) (ii) above;
 - (e) To designate additional individuals and entities subject to the measures imposed by paragraphs 8 (d) and 8 (e) above;
 - (f) To promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;
 - (g) To report at least every 90 days to the Security Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraph 8 above;
13. *Welcomes and encourages further* the efforts by all States concerned to intensify their diplomatic efforts, to refrain from any actions that might aggravate tension and to facilitate the early resumption of the Six-Party Talks, with a view to the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, to achieve the verifiable

denuclearisation of the Korean Peninsula and to maintain peace and stability on the Korean Peninsula and in north-east Asia;

14. *Calls upon* the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States;
15. *Affirms* that it shall keep DPRK's actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 above, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in light of the DPRK's compliance with the provisions of the resolution;
16. *Underlines* that further decisions will be required, should additional measures be necessary;
17. *Decides* to remain actively seized of the matter.

Resolution 1718 (2006) was adopted by the Security Council at its 5551st meeting on 14 October 2006.

The North Korean Test and its Consequences

Dr Rod Lyon

In a technical sense, the nuclear test by the Democratic People's Republic of Korea (North Korea) on October 9 seems to have been less than completely successful. The device apparently produced a lower yield than the North Koreans had hoped for. And we cannot be certain that the 'device' is yet in a form appropriate for it to be called a 'weapon' in the proper sense of the word: it might not be deliverable, for example. But we should not allow those issues to cloud our judgements about what the test means in a broader strategic sense. For it is likely that the nuclear explosion that occurred in North Korea will prove a pivotal event in regional security. It may even prove to be important at a global level.

The test had one immediate effect: it confirmed that the North Koreans have successfully extracted plutonium from their reprocessed nuclear fuel rods, have done so in quantities sufficient to make at least one nuclear device, and have begun to master a rudimentary design for a nuclear weapon. In this sense, the test has brought to an abrupt end a debate that has waxed and waned between strategic analysts for almost fifteen years. That debate was over whether or not North Korea actually possessed any nuclear weapons. The test proves that North Korea can produce a 'bomb,' in at least some sense of that word.

Some suggest that the test was merely the latest bout of attention-getting behaviour from Kim Jong-il. In this interpretation, the test was meant to up the ante in the long-running diplomatic tussle over what price the international community in general and Washington in particular might be prepared to pay to negotiate an end to the North Korean program. True, previous North Korean behaviour makes this interpretation sound entirely plausible: Pyongyang has frequently threatened to hold its breath until its face turned blue in the hope of extracting greater concessions from the United States. A deliberate part of the North's negotiating strategy has been to play a relatively weak hand with maximum dramatic effect.

But does this interpretation give us our best understanding of Pyongyang's motives and objectives? Do we see here merely another incremental challenge, or something more like a fundamental shift? My

problem with the incrementalist interpretation is that in history we can find no example of any state announcing that it would test, doing so, and boasting of its accomplishment, only to decide subsequently to dismantle its nuclear program in exchange for some pieces of silver. So I think we ought to consider a more serious interpretation: that a Rubicon has been crossed here, and that the 'old game' of escalate and bargain, the game of incrementalism, has probably now come to an end. This interpretation suggests that new ways of handling the North Korean nuclear problem have to be explored.

Some, of course, will still ask whether we need to handle it at all. Why can't we just tolerate a nuclear North Korea, in much the same way that we have tolerated the emergence of other nuclear states over the decades? After all, nuclear weapons' massive destructive capacities seem to have sobered other leaders in other countries, so why should Kim Jong-il, or his successors, be any different? Here we need to be brutally honest about the character of the North Korean regime. For the character of the regime *is* the North Korean nuclear problem. To state the problem in its bluntest terms, North Korea is a narco-criminal state with a record of selling its proliferation technologies to others.

Victor Cha once wrote that we could not be certain about whether Pyongyang intended its nuclear arsenal to be swords, shields or badges: that is, whether it saw them as offensive weapons, defensive ones or mere status symbols.¹ His point is a good one. But the problem goes deeper than that: even if we were entirely certain that Pyongyang's interest in nuclear weapons was entirely defensive, the Northeast Asian security environment simply cannot bear the weight of nuclear proliferation on the Korean peninsula.

Regional leaders made this judgement explicit in the days following the North Korean announcement that they intended to test. The Japanese said that a test would be intolerable. Christopher Hill, the US envoy to the Six-Party Talks said that the North had to choose between having nuclear weapons and having a future. And it is clear that Beijing was also signalling Pyongyang that Chinese strategic interests could not accept a nuclearised Korean peninsula. These judgements are not casual or light-hearted. They are all based upon the great powers' assessments of Northeast Asian geopolitics.

Pyongyang's disregard of Beijing's counsel – similar to its disregard of other good counsel in the lead-up to the North Korean ballistic missile

tests in July – shows that North Korea’s orbit around the Chinese sun is becoming more eccentric. That is embarrassing for China, but also deeply worrying. If Pyongyang is slipping its Chinese gravitational tether, then other, more serious options for managing the North Korean nuclear problem come on to the agenda, and Beijing would certainly not wish to see some of those exercised in close proximity to the Chinese border.

Moreover, Beijing knows the test opens up a much bigger question – the chain-reaction of possible nuclear proliferation in Northeast Asia – that it wishes had remained closed. Northeast Asia contains a number of potential nuclear proliferators: Japan, South Korea and Taiwan all have some capacity to build nuclear weapons, and some of them have had actual nuclear weapons programs in the past. Japan’s Prime Minister Abe has quickly and firmly rejected the nuclear option for Japan. And Secretary Condoleeza Rice’s recent statements in Tokyo that Japan was already protected under the US-Japan alliance by the ‘full range’ of US capabilities was meant to reinforce that message. But if the North really has crossed the Rubicon, Japan’s patience will be tested more severely in the years ahead: by future tests, and by actual weapons deployments.

So how do we get the cat back into bag? In short, it isn’t obvious that we can do it in any low-cost way. The diplomatic track has been tainted by its obvious failure, and by the simple fact that the track can’t ‘reward’ the North Koreans for testing. Economic levers offer some options for pressure. The sanctions imposed by the United Nations Security Council will hurt, and are targeted in particular against the elite. But the North Korean leadership has a relatively high pain threshold and has shown itself quite capable of allowing its citizens to eat bark when times are tough. Military options are clearly unpalatable and seem likely not to be low cost. We can use the Proliferation Security Initiative to interdict Korean transfer of nuclear technologies to other countries, and that makes sense, but by itself a better PSI-policing of North Korean exports essentially settles for a doctrine of containment.

Moreover, there’s a global strategic calculation that comes into play here. If North Korea crosses the threshold and we do nothing, Iran will be tempted to follow suit. As the world’s ‘underdogs’ and rogue states move to acquire nuclear weapons, at what point are we going to say that enough is enough? Are Western allies always going to be happy to rely on US extended nuclear deterrence as more and more nuclear weapons become available to risk-tolerant actors? As more countries join the

nuclear club, they break down the idea that the club is exclusive. This encourages others to re-evaluate the nuclear option in relation to their own security. In relation to Iraq, some said at the time of the invasion that a war with Iraq now was a better option than a nuclear-armed Iraq down the track. Similar judgements are occasionally voiced about Iran. Where's the line in the sand? And has North Korea already stepped over it?

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Notes

¹ Victor Cha, 2002. 'Badges, Shields or Swords?: North Korea's WMD Threat', *Political Science Quarterly* 117(2): 209-230.

A Litmus Test – Dealing with a Nuclear North Korea

Dr Andrew O'Neil

North Korea's inaugural nuclear test on 9 October 2006 dramatically confirmed its entry into the elite club of states possessing nuclear weapons. Efforts to persuade the Kim Jong-il regime to relinquish its nuclear ambitions have foundered and Asia now confronts a major policy challenge: how to deal with a nuclear-armed North Korea.

Most commentators believe that Pyongyang's acquisition of nuclear weapons represents an acutely negative development with serious implications for Northeast Asian security. One of the reasons for this perspective is the broader view that North Korea is an archetypal 'rogue state' intent on undermining established norms and institutions in the international system. According to this perspective, Kim Jong-il and other key members of the regime are inclined to pursue impulsive, unpredictable, and irrational activities and behaviour that inhibit the capacity of the international community, especially the United States, to forge a strategic *modus vivendi* with Pyongyang. Consequently, the prospects for North Korea exercising restraint in its approach to nuclear issues are not promising.

The following analysis questions this orthodox line of argument and outlines a new strategy for dealing with North Korea's newly acquired nuclear capability, one that privileges a traditional deterrence posture, the exploration of constructive dialogue and, ultimately, a willingness to use force to remove the regime in Pyongyang. At the heart of this new strategy is reinvigorated American leadership in Northeast Asia and a shift in US policy that endorses bilateral talks with Pyongyang while maintaining a commitment to coordinating a multilateral approach with the major players in the region — China, Japan, South Korea and Russia.

The Reaction

On 2 October 2006 the official North Korean news agency announced that North Korea would undertake a nuclear test to substantiate successive claims by Pyongyang of the country's nuclear capability. In the face of concerted efforts by a host of countries to dissuade the Kim

regime from following through on its promise to test – including a warning from the US envoy to the Six Party Talks that North Korea “can have a future or it can have these weapons. It cannot have both”¹ – on 9 October North Korea detonated a nuclear device widely estimated to have had a yield in the sub-kiloton range. American intelligence agencies have since concluded that the explosion was fuelled by plutonium extracted from North Korea’s nuclear reactor at Yongbyon.²

By far the strongest reaction to the test was in Japan where the newly installed Abe government moved swiftly to impose a blanket ban on the entry of all North Korean ships, imports and North Korean nationals into Japanese ports.³ The United States response, while assertive, did not repeat the hard line rhetoric preceding the test and Washington quickly ruled out the use of military force in response. The Bush administration instead chose to underscore the role of diplomacy, although President Bush himself was careful to point out that “any transfer of nuclear weapons or material by North Korea to states or non-state entities would be considered a grave threat to the United States, and we would hold North Korea fully accountable of the consequences of such action.”⁴ This concern was reflected in an expanded plan, announced shortly after Bush’s statement, for the US and regional allies including Japan and Australia to intercept, board and search ships leaving North Korean ports suspected of carrying nuclear- and missile-related cargo.⁵

While the verbal condemnation of the test by China, South Korea and Russia matched US and Japanese rhetoric, these countries demonstrated less enthusiasm for an assertive approach along the lines of that endorsed by Washington and Tokyo. China in particular has been unwilling to support US proposals for the interdiction of suspect North Korean vessels and tougher sanctions against the regime in Pyongyang. Like South Korea and Russia, which have refused to support US and Japanese counter-proliferation initiatives, China appears motivated by a desire not to further isolate the Kim regime for fear that it may lose any remaining leverage it has over North Korea. Beijing, Seoul and Moscow are also concerned about the impact more wide ranging economic sanctions may have in hastening the regime’s collapse. These differences in approach between the various parties to the Six Party Talks were mirrored in the UN Security Council’s response – Resolution 1718 adopted on 14 October – which represented a classic compromise endorsing as it did vigorous condemnation of the North Korean test, but

authorising only a limited array of sanctions covering mainly military goods and luxury items.

Alternative Options?

The highly charged reaction to North Korea's nuclear test, and the universal condemnation it has provoked, masks the broader reality that there are precious few options for addressing the issue. The unpalatable truth is that only large scale military action will neutralise – or substantially degrade – Pyongyang's nuclear capability. Given that nuclear weapons are now North Korea's ace in its military deck, it would in all likelihood wage war against the United States and its allies were the future of its nuclear program seriously threatened. There is near universal agreement in the US intelligence community and elsewhere that even precision air strikes and tightly coordinated special operations forces attacks against North Korea's (well hidden) nuclear facilities would almost certainly ignite a second Korean War — quite possibly involving the use of nuclear weapons. There is little evidence that the US and its closest regional allies have the stomach to engage in a full-scale war against North Korea on the basis that they find its nuclear capability undesirable. They no doubt appreciate that any full-scale war on the Korean peninsula would make what is transpiring in Iraq today look tame by comparison.

Are there any alternative policy options? Some claim that a further tightening of the screws against Pyongyang in the form of deeper economic sanctions and other coercive measures will force the regime to think twice about continuing with a nuclear weapons development program. Yet the fact remains that such measures are only likely to reinforce the North Korean regime's darkest views of the outside world and solidify its main rationale for acquiring nuclear weapons in the first place: to deter external threats to its survival. As a highly determined proliferator, like India and Pakistan during the 1990s, North Korea will willingly absorb international opprobrium and punishment to achieve its goal of weaponising its nuclear capability. Its past behaviour in the proliferation realm suggests that any other conclusion than this is wishful thinking.

This is not to argue that Pyongyang's decision to test a nuclear device should go unpunished. North Korea deserves to be subjected to the full force of global condemnation for its actions. That said, in framing

longer term policy responses, the international community needs to maintain some perspective: North Korea has tested a nuclear device on its own sovereign territory; it is not a signatory to any international agreement that prohibits the acquisition of nuclear weapons (it withdrew from the Non-Proliferation Treaty in 2003) or nuclear testing (the Comprehensive Test Ban Treaty which, despite Australia's best efforts, has not yet come into force); and it has declared on several occasions since 2002 that it seeks nuclear weapons for deterrence only and that it will not be the first to use nuclear weapons.⁶

The Need for a Coherent Strategy

A coherent strategy is required to manage North Korea's ascension to the status of nuclear weapon state. Indulgent rhetoric about 'punishing' and 'isolating' the Pyongyang regime for its nuclear misdemeanours has never been particularly helpful in crafting such a strategy: in the brave new world of North Korea's formal entry into the nuclear club, it is positively counterproductive to fresh thinking. Any new strategy towards North Korea must have as its ultimate aim the prevention of nuclear weapons use in Northeast Asia and should incorporate two key elements.

The first element is that the United States must publicly reassure its regional allies, Japan and South Korea that it remains fully committed to extended nuclear deterrence in Northeast Asia. Washington needs to ensure that such reassurance is provided periodically, not just in the wake of regional crises like the North Korean nuclear test. This will go some way towards diluting pressures for nuclear acquisition in Japan and send a strong signal to North Korea that Washington is more prepared than ever to use nuclear weapons to safeguard its strategic assets (i.e. its allies) in the region. Those who claim that North Korea may be 'undeterrable' overlook the fact that Pyongyang has been deterred from invading South Korea for over fifty years.⁷ Despite its anti-social behaviour in the region, the North Korean regime has an established pattern of rationality in its approach to strategic issues. It has been deterred from taking military action on the Korean peninsula because it understands that a militarily superior US would move to end the regime in Pyongyang in the final stages of any conflict. The idea that America's twenty-first century nuclear arsenal is somehow not up to the task of countering North Korea's handful of weapons when they finally

emerge in the post-testing phase of its development program is simply not tenable.

The second element of any new strategy must encompass constructive politico-security engagement with Pyongyang. The international community, and the United States especially, must resist the temptation to further isolate North Korea in the wake of its nuclear test. In dealing with a new nuclear state, one of the worst outcomes is deeper isolation of that country. Lines of communication must be nurtured in order to avoid the ever present trap of misperception. This is not 'rewarding bad behaviour' as claimed by some. Rather, it is a pragmatic step towards ensuring that North Korea receives important messages loud and clear. In specific terms, it means that Washington must alter its existing policy and engage Pyongyang in a *bilateral* security dialogue aimed at reaching a framework of understanding regarding nuclear issues. This framework should include a no-first use commitment from both sides, an offer of technical assistance from the United States to help safeguard the North from accidentally launching nuclear weapons, and a clear message from Washington that any shipment of fissile material out of North Korea is the 'red line' that, if crossed, will result in military action aimed at destroying North Korea's nuclear program. In such circumstances, the United States and its allies must be willing to wage full scale war against North Korea should the latter respond with a full-scale attack on the South.

North Korea can be deterred from using nuclear weapons for as long as the United States continues to extend its nuclear umbrella to Japan and South Korea. Instead of persisting with a non-proliferation strategy that aims to persuade Pyongyang to terminate its nuclear program – the probability of which is extremely negligible – regional policymakers and those outside government need to focus on ways to manage North Korea as a nuclear state in Northeast Asia. The risk in persisting with a failing strategy of non-proliferation is that it will promote a false sense of hope that North Korea will denuclearise and that Pyongyang can somehow be persuaded to de-link its nuclear weapons ambitions from its overall national security doctrine. Such false hope would undermine the possibility of working towards a more secure nuclear future in Northeast Asia by putting off what should now be regarded as increasingly inevitable: engaging North Korea in a dialogue based on the reality that it is a nuclear weapons state.

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Notes

- ¹ Peter Alford, 2006. 'No Future for Nuclear Nth Korea: US', *The Australian*, 6 October 2006.
- ² Thom Shanker and David Sanger, 2006. 'North Korean Fuel Identified as Plutonium', *The New York Times*, 17 October 2006.
- ³ David Pilling and Anna Fifield, 2006. 'Japan Hits N Korea With Tough Sanctions', *The Financial Times*, 12 October 2006.
- ⁴ White House Press Release, 2006. 'Statement by the President on North Korea, 9 October 2006', <<http://www.state.gov/p/eap/rls/ot/73741.htm>> (accessed 24 October 2006).
- ⁵ Nicholas Kralev, 2006. 'US Seeks Help for Shipment Searches', *The Washington Times*, 19 October 2006.
- ⁶ These declarations were reiterated in its 2 October announcement that it intended to undertake a nuclear test.
- ⁷ For discussion, see David Kang, 2003. 'International Relations Theory and the Second Korean War', *International Studies Quarterly*, 47(3): 301-24.

North Korea – Watch the Ball and not the Man! Mack Williams

North Korea's recent nuclear test marks a major new act in the drama which has been playing on the Korean peninsula for the past 60 years. But the hype contained in much of the ensuing hours of media commentary has served to confuse rather than inform public debate. Far too frequently attention has been focussed on the North Korean leader, Kim Jong-il, and his reputed eccentricities and correspondingly less on hard facts and balanced assessment of realistic options. This is not all that surprising given the proclivity of today's editors and media owners for the sensational but unfortunately some political leaders and commentators have fallen into the same trap.

Some of this can be attributed to the sheer paucity of reliable information about what is actually going on in North Korea – and especially in the minds of its reclusive leaders. Much of what is known relies on defectors and refugees whose 'information,' as most intelligence experts will attest, needs to be treated with considerable caution. Incidentally the intelligence failures in the prelude to the invasion of Iraq so amply illustrate this risk.

There are some salient facts about the current crisis which need to be kept uppermost in view in planning a way forward with this crisis:

- North Korea has tested a very small nuclear device which is still some way from being 'weaponised';
- North Korea is set on proceeding down the path to nuclear weapons unless it can be stopped within a very short time frame;
- The 'nuclearisation' of the Korean peninsula would have dire implications for further nuclear proliferation in the region despite the current proclamations to the contrary from major players;
- Not to mention to the serious 'knock-on' effects the North Korean test already has created for global proliferation (notably but not only Iran) and the Nuclear Non-Proliferation Treaty (NPT).

There has been ready and unprecedented consensus among the key players (US, China, Japan, Russia and South Korea) about the threat it poses to long term geopolitical stability in this critical region — the

only one in the world where key interests of all of them is in play. And this has been backed by the UN Security Council. But not surprisingly there is far less agreement on the remedy, reflecting the special interests and political background of each of the players.

Much of this debate is driven by what each sees as the end-game,

- from the US and Japan who see regime change in North Korea as the only sure way to lock in long term change;
- through to China which is concerned to avoid precipitate collapse of the regime creating a serious power vacuum on its border which would risk inviting unwanted (by China) external involvement.

All of this is central to any development of options for resolving the crisis. Despite the strongly worded expressions of condemnation about the nuclear test from the US and others there has been a growing realisation that military action against the North is clearly not a credible option for the US or its closest allies, because of a combination of factors, principally:

- North Korea's capability to unleash at short notice its very substantial and extremely well-protected rocket and artillery arsenal with devastating effect on the Seoul/Incheon corridor where almost half the South Korean population lives;
- This would almost inevitably escalate very quickly into full-scale war against North Korea whose military (though limited by its logistic deficiencies) has a substantial conventional and chemical and biological capability as well as a very tightly indoctrinated and organised population. This would be no Iraq;
- US military capability is extremely stretched in Iraq and Afghanistan;
- China's strong opposition and some uncertainty about how South Korean public opinion would respond to any military action, given that they would suffer the most.

At the same time there was widespread acknowledgement that acquiescence in North Korea's attainment of nuclear weapon status would be tantamount to unacceptable appeasement. In turn this would increase the prospects that Japan and even South Korea would grow restless leaving their defence solely to the US nuclear umbrella. Though the new Japanese leadership has been quick to repudiate such a possibility it would be prudent to assume that it would remain on the

Japanese agenda over coming years. South Korea has been pushing the limits of restrictions imposed on it for missile development for some time and this could be expected to rise.

This leaves negotiation as the only way to proceed. Negotiating with North Korea has proven to be an extremely frustrating and exhausting exercise and there is nothing to suggest that it will get any easier from here on. Results will not come quickly and ‘break-throughs’ will be rare. Grinding out the hard yards will demand extraordinary commitment, skill and patience — and the ability to maintain several sets of negotiations in play simultaneously. Calibrating increased pressures like sanctions with offers of genuine compromise — ‘carrots and sticks’ — will be extremely challenging.

A number of ingredients must go into this negotiating mix — some bilateral, some regional and others international with some short term and others playing out over a longer time frame. Key among them will be:

- First and foremost capping North Korea’s nuclear capability — if not scrapping it;
- North Korean demands for greater recognition on the international stage without rewarding them for their brinkmanship. Visitors to North Korea have been struck by the importance attached by North Korean interlocutors to the elevation in international recognition which they see Pakistan as having achieved as a result of its nuclear test;
- Providing the security guarantees which North Korea consistently demands to meet the threat from the US it claims to fear — especially since the ‘axis of evil’ comments and the airing of pre-emptive strikes among policy makers in Washington. It may be possible to craft a document similar to a non-aggression pact guaranteed by all five other signatories to the Six Party Talks but this would have to imply renunciation of any push for regime change.
- The China card: South Korea has long seen China as being the critical player in any peaceful resolution of the Korean crisis — a fact now also well recognised by the US. China does have the capability to turn off the vital spigots of oil and food to North Korea, and has done so on several occasions for very short periods to try to influence North Korean thinking. But the China/North

Korea relationship has not been the close alliance that many now postulate. Until a few years ago, Chinese political and economic development strategies had been attacked vitriolically by North Korean leaders as ‘bastardising’ Marxist/Leninist principles. China now has an infinitely larger economic relationship with South Korea.

- UN and other bilateral sanctions: Claims by US spokesmen to the contrary, the devil still remains in the detail of implementation of the recent UN sanctions decision. There are clear limits to universally agreed actions likely to hurt North Korea enough to force change. In the final analysis it is really only the sanctions which China could impose that would stand any chance of forcing North Korea to its knees. North Korea likely will also play brinkmanship on sanctions from others as it has done with South Korea in recent days asserting that any South Korean participation in enforcing the UN sanctions would be tantamount to a “declaration of war.”
- As good and competent a person as he is, the incoming UN Secretary-General Ban Ki-moon inevitably will have his hands tied by having been South Korean Foreign Minister in any role the UN seeks to play. It is hard to see how North Korea would not oppose his personal involvement — if not that of the UN.
- Attempts by foreign naval vessels to intercept North Korean ships on the high seas are bound to draw similar bellicose statements and, if in reach of the North Korea’s own military forces, outright military confrontation. Australia will need to bear that well in mind before actually deploying a naval vessel for these purposes to waters surrounding North Korea. Trying to force inspections by civil means is unlikely to draw more than derision from North Korea.
- Humanitarian assistance to the needy in North Korea: There is no sign that forced starvation of the non-elite in North Korea would activate opposition enough to remove the current regime. Too many babies have perished in the recent past and even the elite have been able to tighten their belts several notches without the remotest tangible sign of internal dissension — save the refugee flows in to China which have not yet been all that significant.
- Avoidance of provocation: As urged consistently by China, Russia and South Korea, every effort will need to be taken not to force North Korea further into a corner from which its only possible response is to strike back. In its current mood, and having now had

one nuclear test, North Korea will not easily be bluffed and is likely react rashly.

- Potential baits for North Korea to come out into the world: This formed the tactical basis for South Korea's Sunshine Policy — much maligned by conservatives in South Korea, the US and elsewhere but for which there is little realistic alternative for South Korea. This is a long term strategy which its creator Kim Dae-jung saw as taking at least 25 years to achieve. There is not that time available to resolve the nuclear issue but the longer term resolution of the peninsula through reconciliation before contemplating reunification is still feasible within that time frame.

Apart from the actual issues on the table much also will depend on the way the process is handled. As galling as it may be for the US and its partners to deal with a recalcitrant Kim Jong-il he is the only game in town. Outbursts of name-calling, breast beating and megaphone diplomacy will continue to be counter-productive to any successful negotiations. Whatever Kim Jong-il may be he is not 'mad.' To the contrary he has proven himself extremely shrewd in the way he has managed repeatedly to leverage negotiating advantage from his inherently weak position. All too often preoccupation on him rather than on issues has confused his opponents and played into his hands.

Likewise the US will need to be prepared to engage seriously and at an appropriately high level in bilateral talks with North Korea on some key issues which can later be confirmed through the Six Party Talk process. Other issues may be handled directly in any resumed Six Party talks. The US also will have to work hard and sensitively at retaining the confidence of the other major players throughout what can be expected to be a long and arduous process. In its own way, Australia can play a modest supporting role in that process — especially as long as it keeps open its own direct line of communication into Pyongyang and keeps its ears well to the ground in Beijing, Seoul and Tokyo where it is well-connected.

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