
Peace on a Nuclear Korean Peninsula? – A European Perspective“

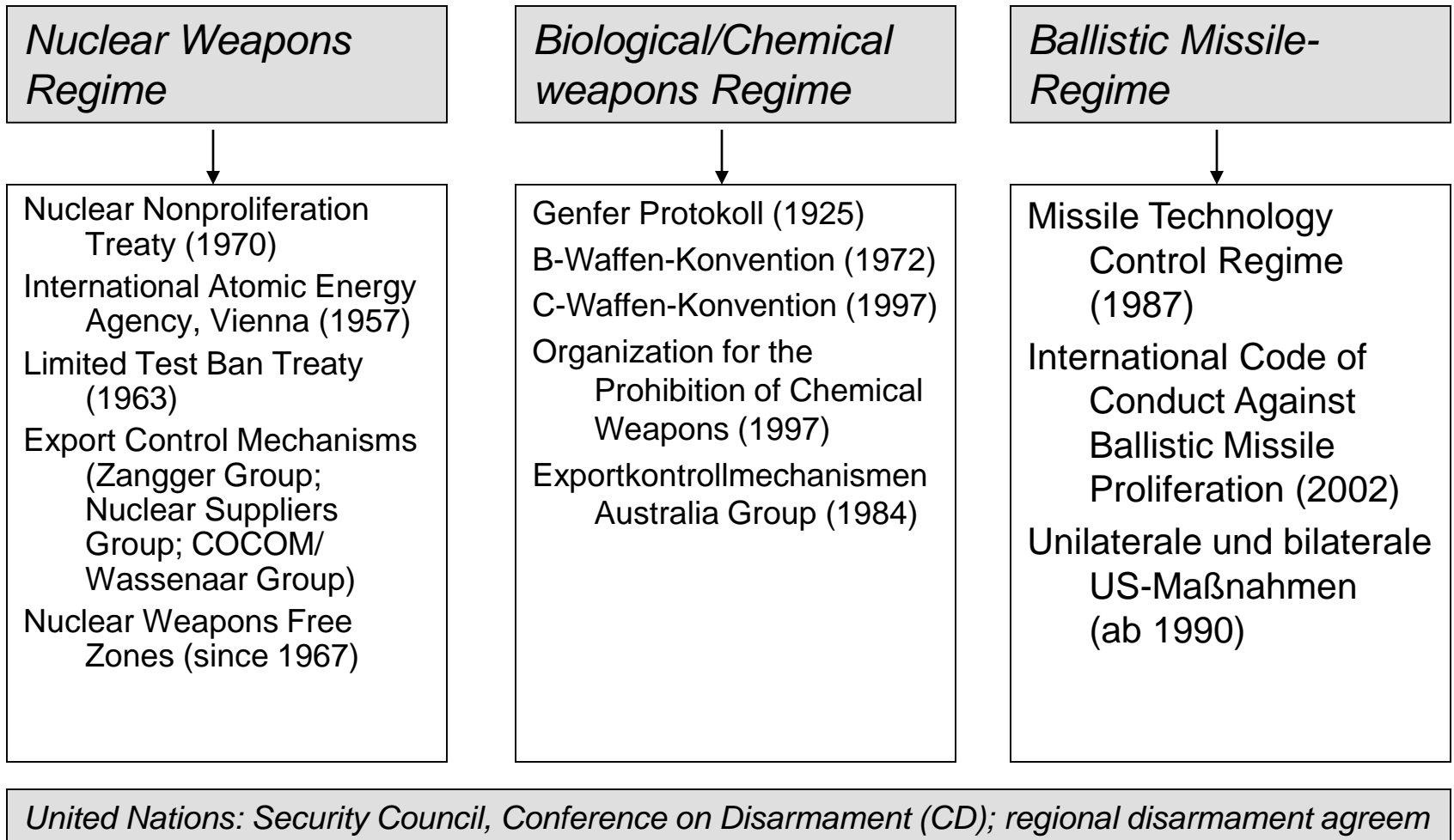
Engagement with Young Diplomats,
Ministry of Foreign Affairs, Nay Pyi Taw, Myanmar

The argument

1. The Nonproliferation Treaty – core of the Nuclear Nonproliferation regime – is an unequal treaty, creating two groups: Nuclear Weapon States (NWS) and Non-Nuclear Weapon States (NNWS). The inequality is balanced off by distinct benefits of the NPT for both groups.
2. The DPRK has sought a Nuclear Weapons option probably since the Mid-1950s but only after the 2003 US-led intervention in Iraq has pursued a military nuclear weapons program. Though suspended several times, the DPRK has today most probably a nuclear weapons capability exceeding 20 warheads which are mountable on IRBMs.
3. Recent diplomatic summit initiatives have prevented further DPRK missile/nuclear testing but not reduced the existing/growing weapons capability. Most likely Kim Jong Un pursues diplomatic talks to prevent preemptive strikes by the United States in autumn 2017 and probe the chances for an economic opening with „North Korean characteristics“.

The Nuclear Nonproliferation Regime

The international nonproliferation regimes for Weapons of Mass Destruction (WMD)



Norms of the Nonproliferation Treaty

Renunciation (Art. 2): Each non-nuclear-weapon State Party to the treaty undertakes not to receive the transfer from any transfer or whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

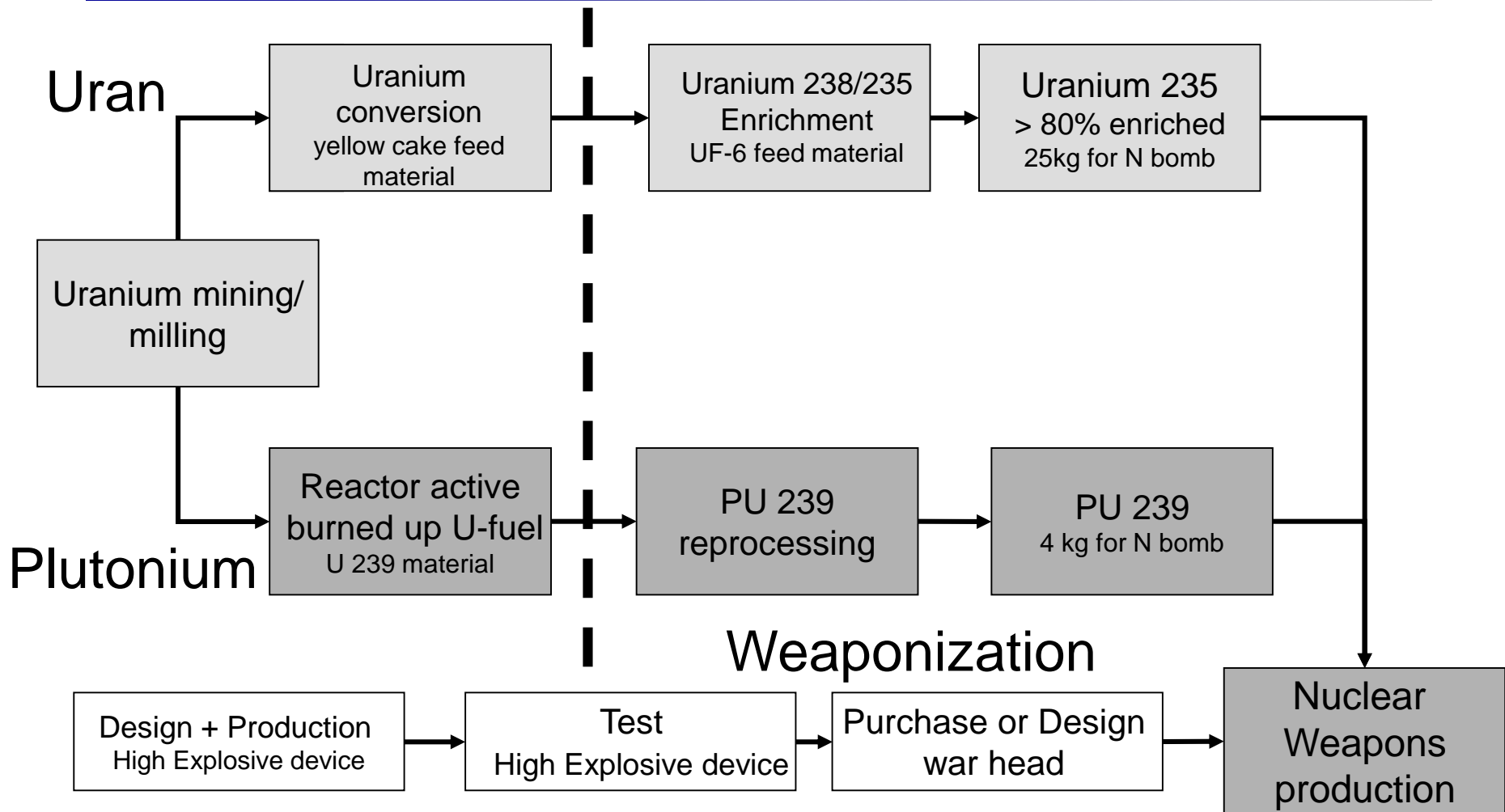
Non-Transfer (Art. 1): Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Disarmament (Art. 6): Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

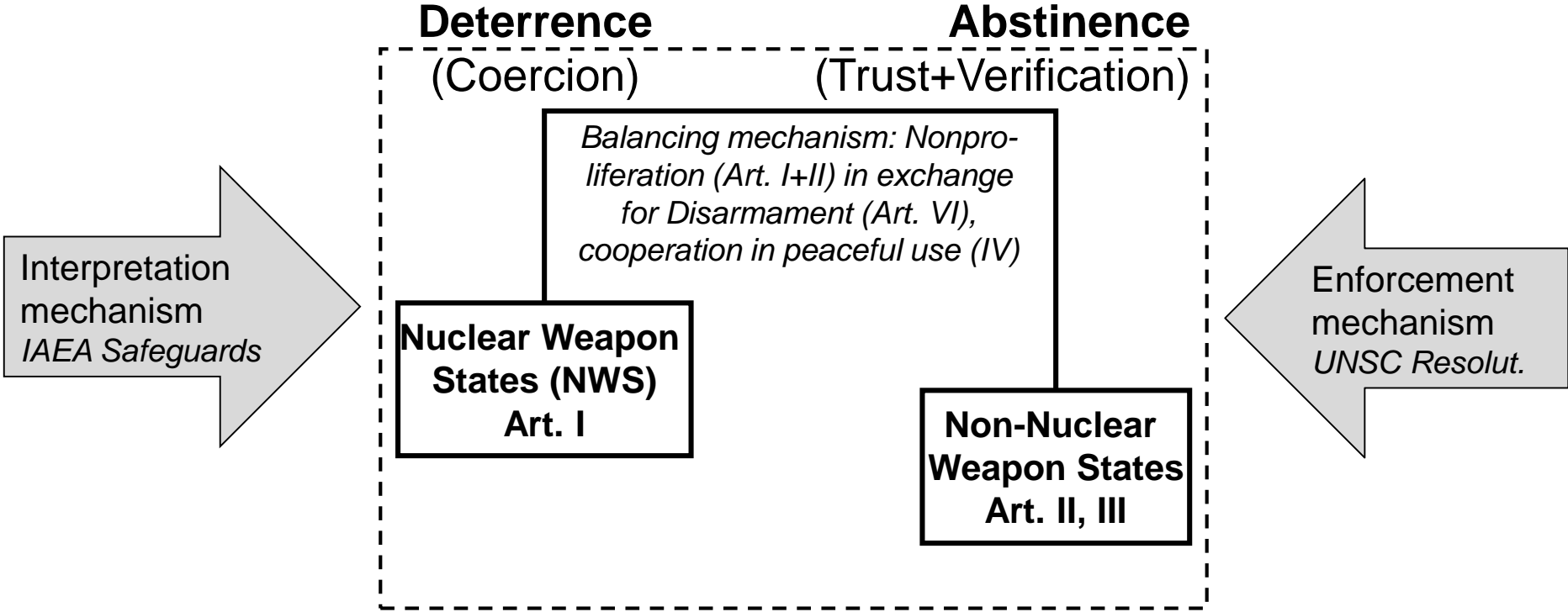
Safeguards/Export Control (Art. 3 + 4): Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the IAEA in accordance with the Statute of the IAEA and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices...

IV (2) All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

Nuclear Weapons: Uranium + PU production



Constitutional order of the Nonproliferation Regime

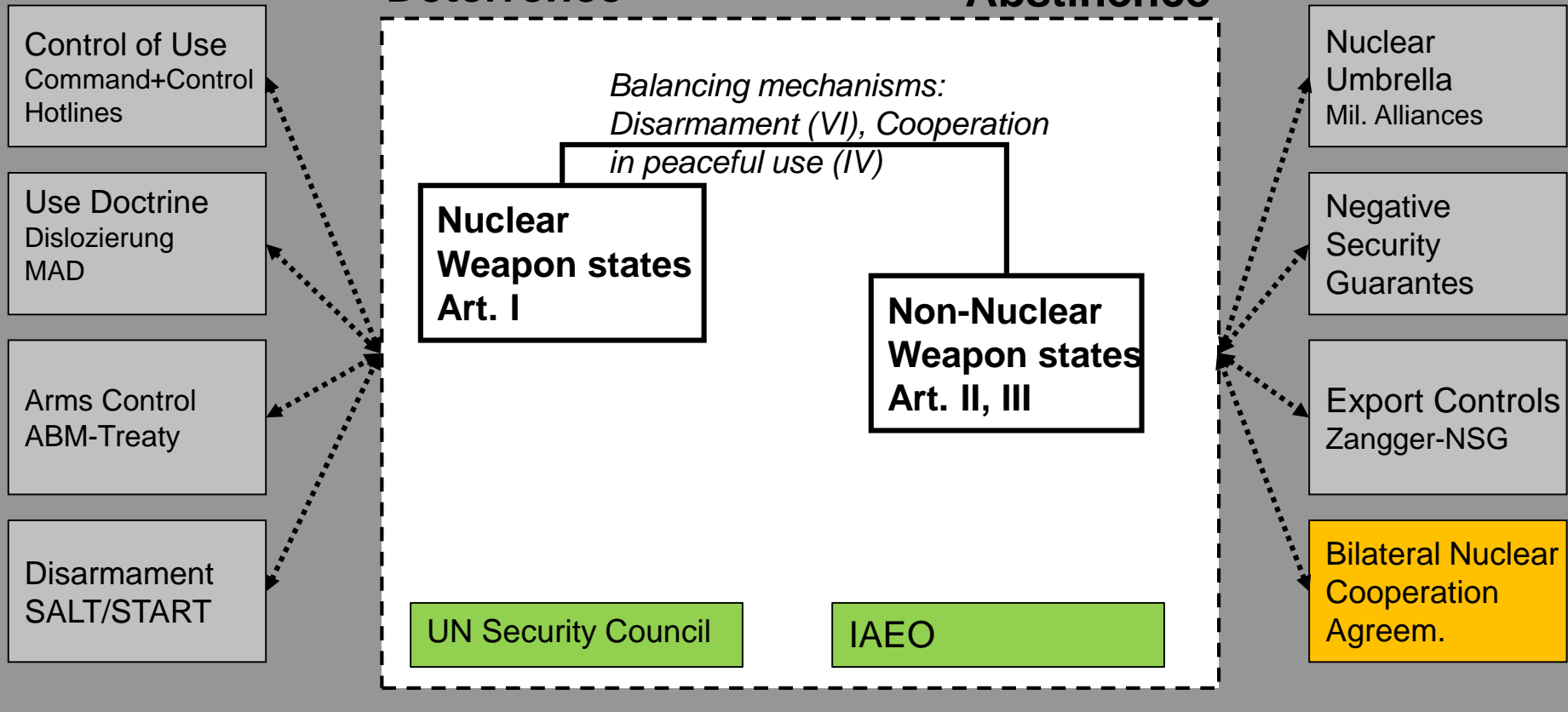


Constitutional Order of NPT – Supporting Rules and Agreements

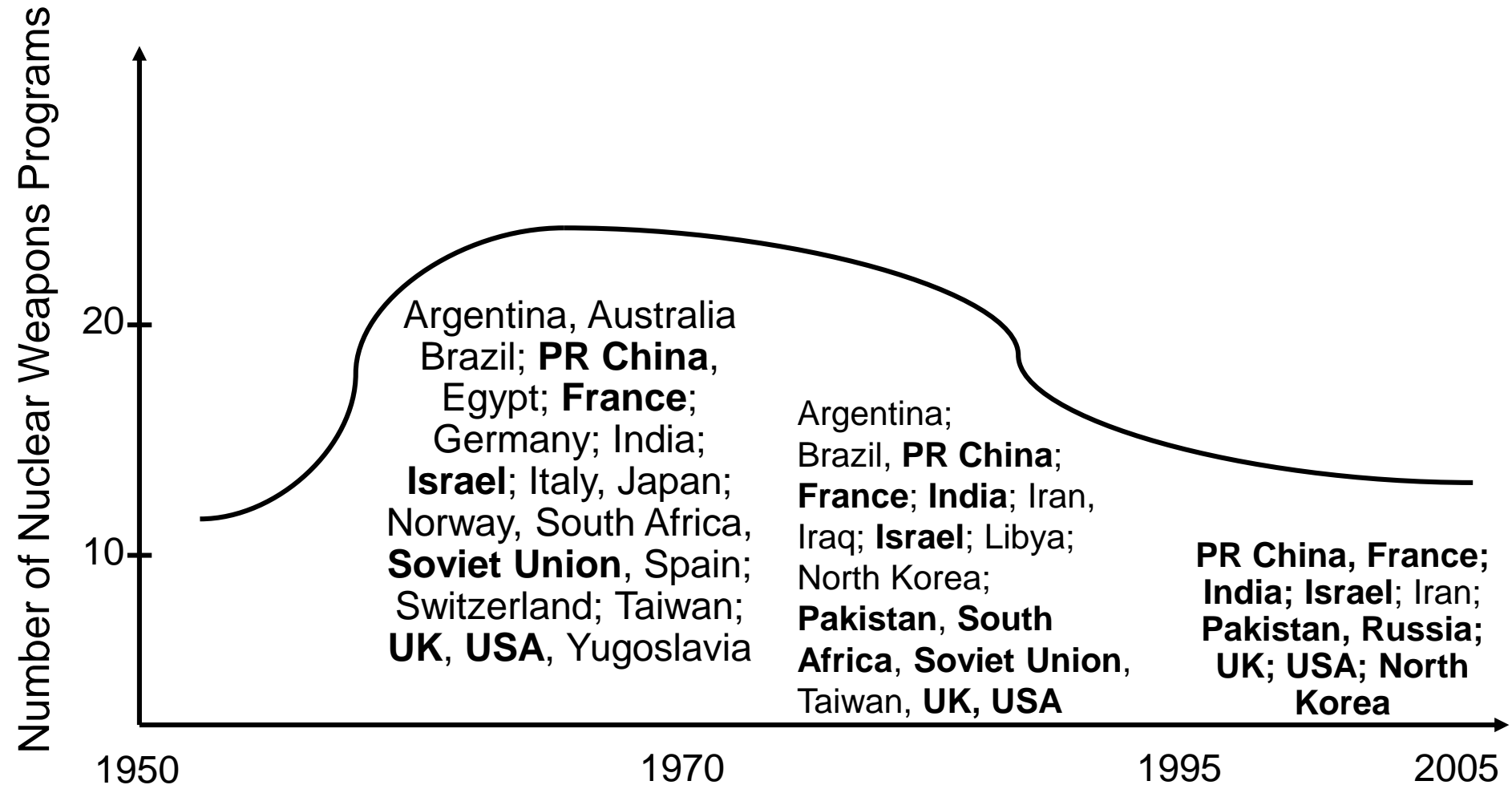
NP-Regime

Deterrence

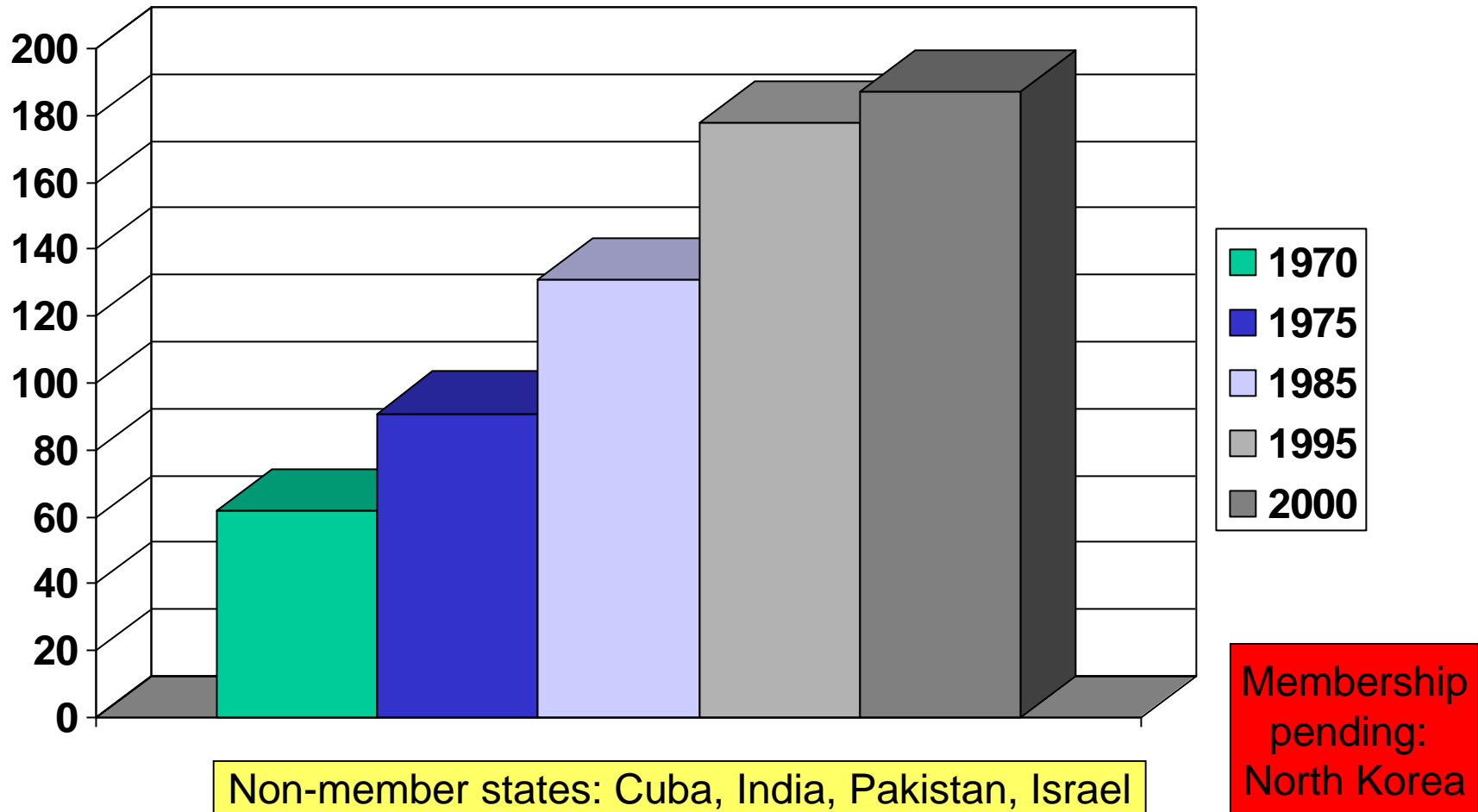
Abstinance



Proliferation of Nuclear Weapons Programs 1950-2015



Membership of Nonproliferation Treaty 1970-2005

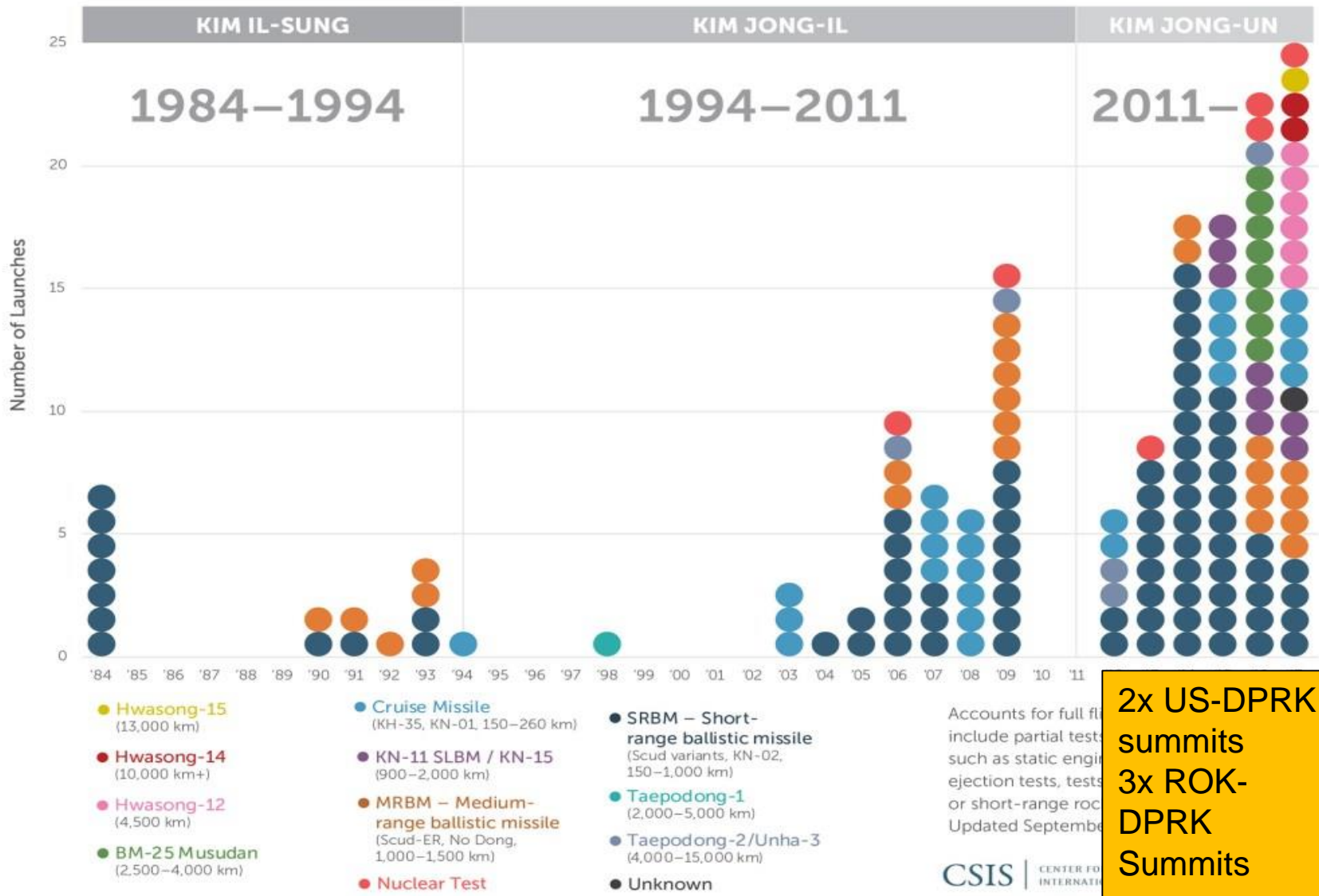


Treaty on the Prohibition of Nuclear Weapons (2017)

- Background: Reactor catastrophe in Fukushima (2011); failed NPT-Review Conference (2015); Modernization and arms build-up by NWS.
- The treaty prohibits:
 1. The Treaty on the Prohibition of Nuclear Weapons prohibits States Parties from developing, testing, producing, manufacturing, acquiring, possessing, or stockpiling nuclear weapons or other nuclear explosive devices. Signatories are barred from transferring or receiving nuclear weapons and other nuclear explosive devices, control over such weapons, or any assistance with activities prohibited under the Treaty
 2. States are also prohibited from using or threatening to use nuclear weapons and other nuclear explosive devices. Lastly, States Parties cannot allow the stationing, installation, or deployment of nuclear weapons and other nuclear explosive devices in their territory
 3. States Parties are obligated to provide victim assistance and help with environmental remediation efforts..
- The treaty will enter into force 90 days after the fiftieth instrument of ratification, acceptance, approval, or accession has been deposited.
- The United States and its allies (incl. Germany and Japan) argue that treaty undermines the current deterrence and that a piecemeal approach is better.

The case of the Democratic Republic of Korea (DPRK)

NORTH KOREAN MISSILE LAUNCHES



2x US-DPRK summits
3x ROK-DPRK Summits

Development of DPRK Plutonium Program

Push factors

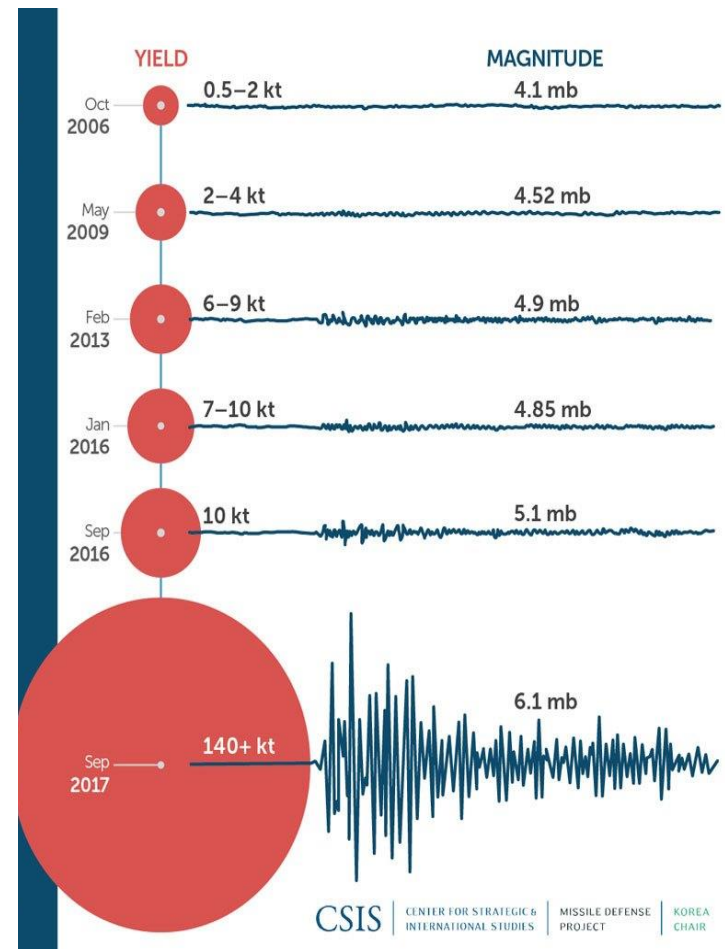
1. US nuclear threat during Korean war, Cuba Missile crisis
2. US withdrawal from Vietnam; South Korea considers nuclear weapons
3. Change in Soviet Union policy
4. End of Cold War: Loss of traditional allies: SU and PRC => normalization of ROK relations
5. Change in US DPRK policy after 9/11

Nuclear dynamics

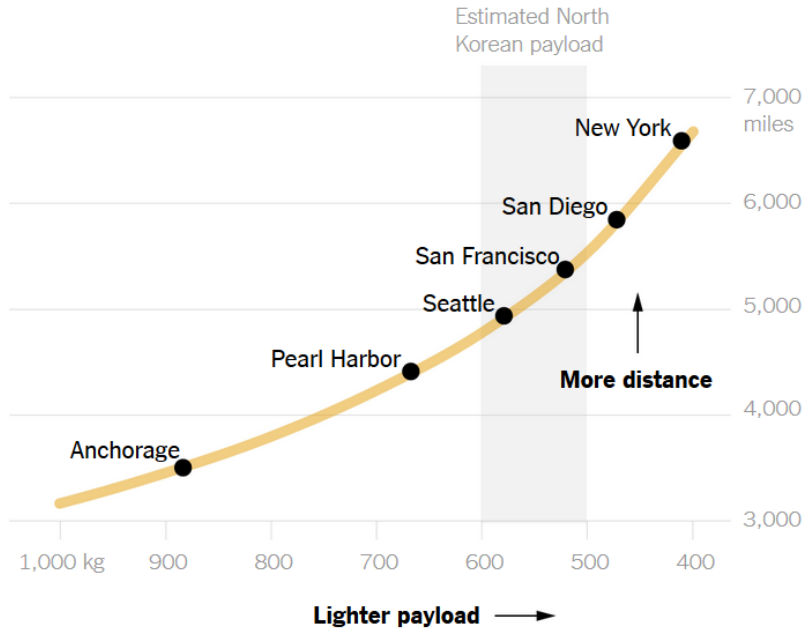
1. Since 1965: Nuclear cooperation with SU, building of research reactor.
2. Fall 1975: Acceleratio; Building 5MW reactor on Yongbyon
3. 1985 NPT entry
4. 1989-1991: Withdrawing burned nuclear fuel for reprocessing => possible nuclear weaponization
5. Reprocessing of burned nuclear fuel rods, Re-Commissioning PU program

DPRK nuclear testing behaviour 2006-2018: Assessment

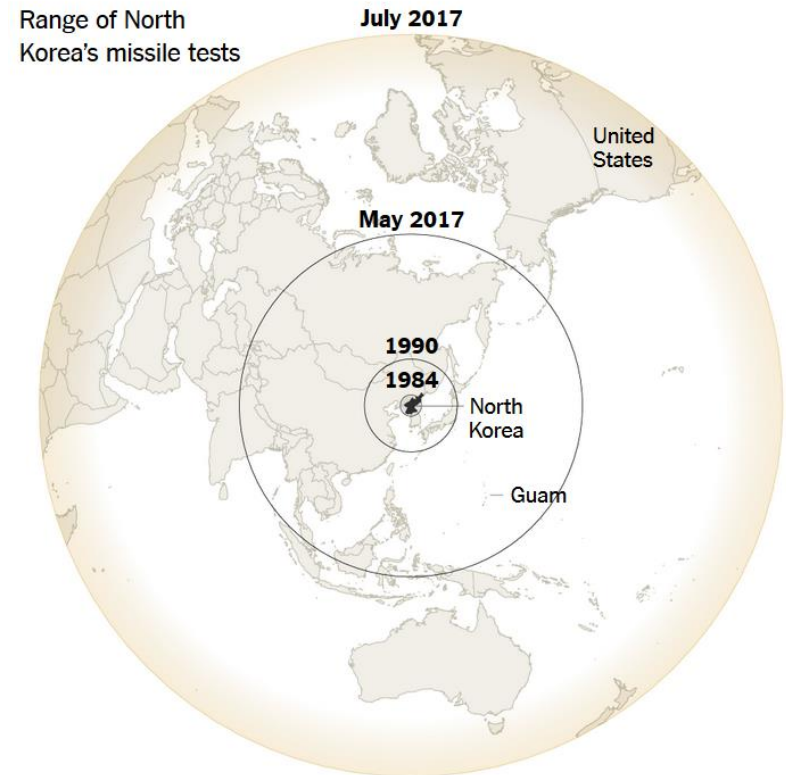
1. DPRK has weaponsgrade material for 10-20 warheads and could possibly produce up to 100 until 2020.
2. DPRK probably has already 10-20 PU-based warheads and has the capacity to produce an undetermined number of Uranium based systems.
3. DPRK nuclear tests increase in frequency, technical sophistication and yield over time.
4. The majority of tests happened during the reign of Kim Jong Un.
5. There remain considerable doubts whether DPRK has mastered to develop a light-enough warhead and a re-entry vehicle for a warhead that could be launched with an IRBM or ICBM.



DPRK Ballistic Missile capability development

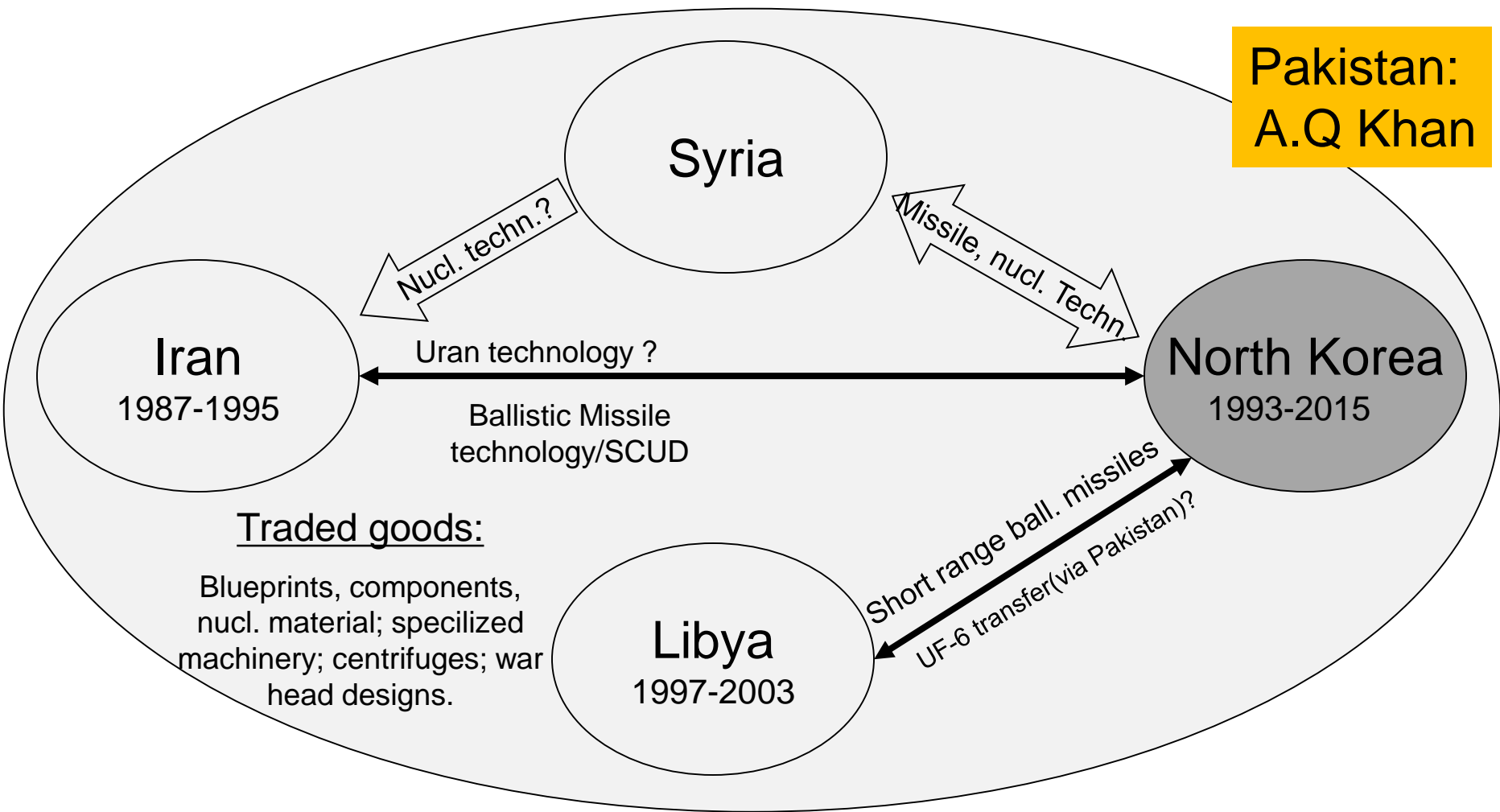


Source: John Schilling, 38 North | Estimates for a missile with a four-engine upper stage.



A DPRK centered Proliferation network?

Pakistan:
A.Q Khan



Development of Nuclear doctrine for DPRK Nuclear weapons capacity

“Having an independent and just nuclear force, the DPRK put an end to the distress-torn history in which it was subject to outside forces’ aggression and interference and could emerge a socialist power of Juche which no one dares to provoke” (as cited in Mansourov 2014: 4)

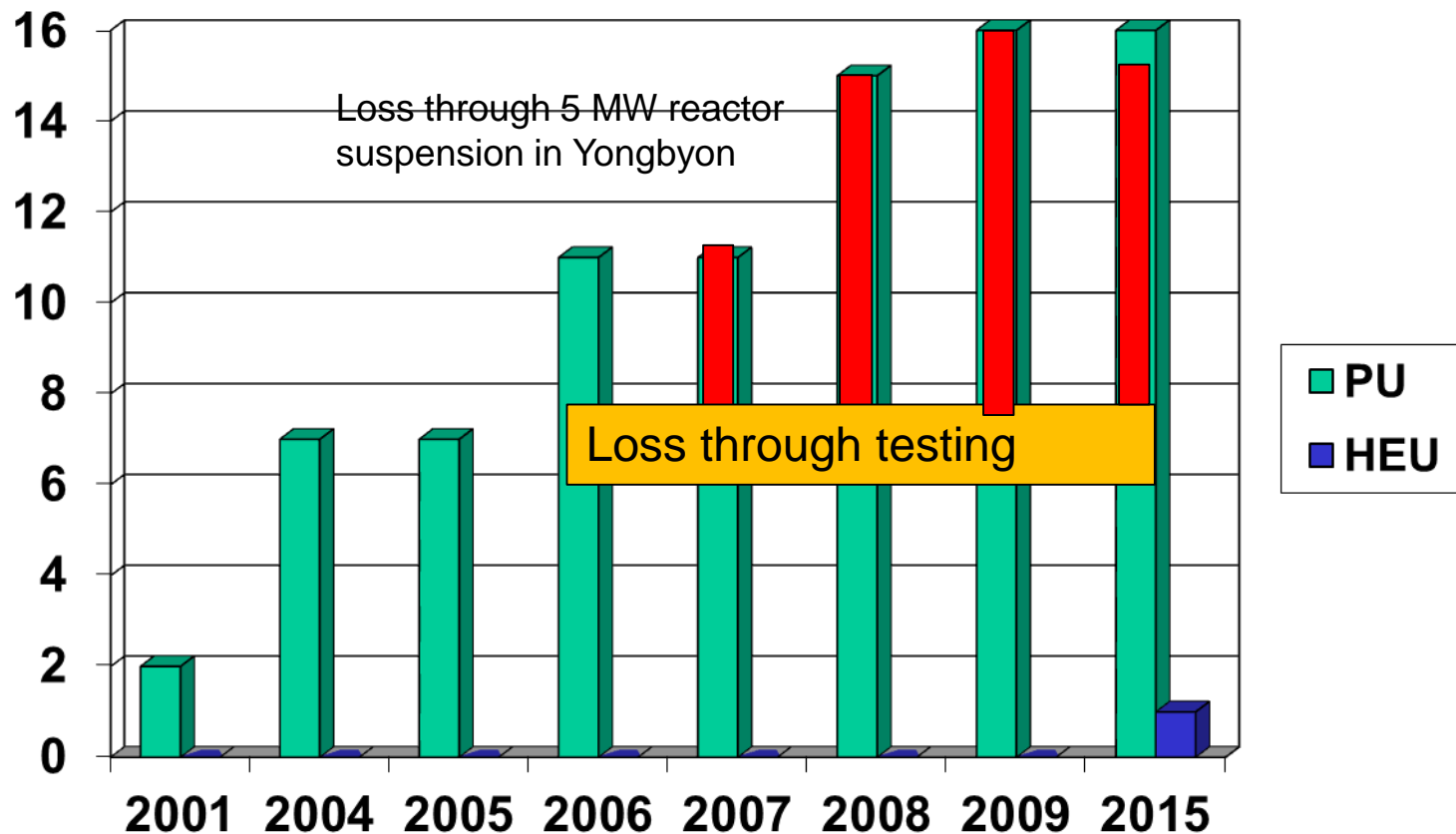
Nuclear doctrine	Primary goals	Transparency	Nuclear Arsenal: Size/Diversity	Operational Complexity	Problems
Political/Diplomatic 1994-2003	Bargaining/blackmail	Low: demonstrate nuclear components	None	None	Trustworthiness over time
Transactional 2004-2012	Internationalize, facilitate third party assistance	Low: demonstrate technical prowess	Small: crude weapons capacity on standby	Low: central authority	Relies on third party calculations
Assured Strategic Destruction 2013-2017	Deter regime-threatening attacks/coercion	Medium: second-strike capacity	Medium: survivability of counter-weapons	Medium: central or delegated authority; weapons assemblage	Credibility against conventional threats
Nuclear War doctrine	Deter or Defeat on broad spectrum of threats	High: demonstrate survivability	High: large, diverse arsenal for first use/second strike	High: prepared for pre-delegation; integrated into military doctrine	Expensive and pressure on command & control

Source: based on Smith 2015: 12

Geneva Agreed Framework, 21.10. 1994

Period	North Korean Obligations	Obligations by US and ist allies
Oct. 1994 - Jan. 1995	Freeze of nuclear reactors Nordkorea) Freeze of construction of 0 MW and 200 MW reactors Secured storage of 8.000 burned fuel rods	
Jan. 1995 - March 1995		Supply of 50.000 t hevy fuel oil Lifting of Trade and investment restrictions Establishment of „Korean Peninsula Energy Development Organization“ (KEDO)
April 1995	Establishment of Liaison Offices Ad-hoc and regular IAEO inspections in nuclear facilities not under freeze	Establishment of Liaison Office
..... Juli 1995 - Jan. 1996	 Development of construction site for Light Water reactors (through KEDO) Start of construction of first LWR (by KEDO)
October 1999	Complete IAEA safeguards, incl. Special inspections at non-declared siites; Signing of Nuclear Cooperation Agreement between US and DPRK	Signing of Nuclear Cooperation Agreement between US and DPRK Supplying critical nuclear components for LWRs (by USA)
2005	Start to reallocate 8.000 burned fuel rods ; End of reallocation ⇔ Commisioning of LWR 1	Continuing building LWR 1+2 Commisioning of LWR 1
2006	Decommissioning all sensitive nucl. facilities, incl. Nucl.-chem. laboratorium ⇔ Commissioning of LWR 2; Payment for LWR and nuclear fuel	Decommissioning all sensitive nucl. facilities ⇔ Commissioning of LWR; Supply of nuclear fuel for LWRs

Projection of PU and U-235 based DPRK Nuclear Weapons Capacity, 2001-2015



Various sources: Ahn/Wit 2015

Suspected DPRK Uranium Enrichment Site at Kangson

- Site has been monitored since 2010 by Western intelligence
- Indications of operations since then.
- Context factors raise doubts:
 1. Situated close to a highway
 2. Relatively little security detail.
 3. Closely situated to a missile factory could hint at different usage.

Potential Uranium-Enrichment Site at Kangson, Collima Province

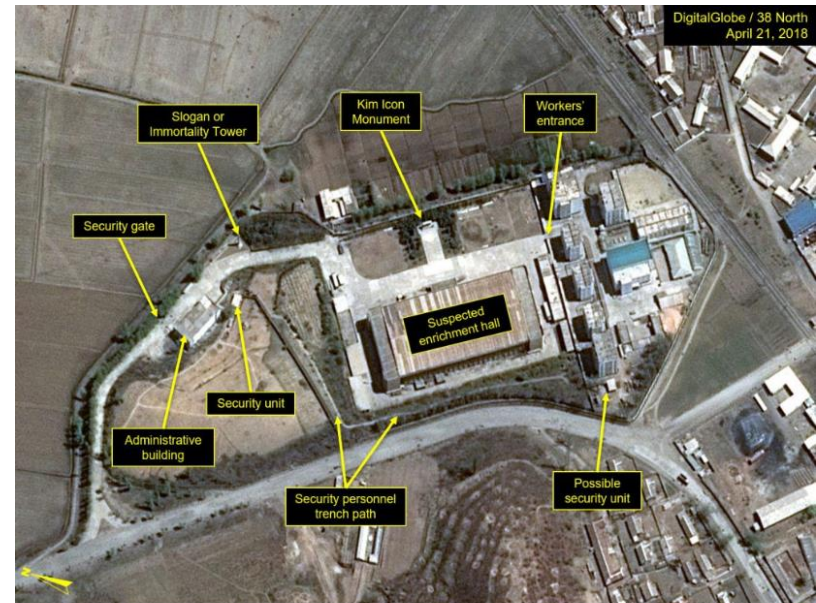


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Source: <https://www.38north.org/2018/08/mmadden080318/>

Panmunjom Summit Declaration, April 27th, 2018

1. It's a bilateral political agreement, not two unilateral statements. No treaty format requiring national parliamentary ratification
2. It was meant to build confidence between two Koreas through non-aggression/ reconciliation + to facilitate US-DORK nuclear talks.
3. The agreement reaffirms Inter-Korean reconciliation as foreseen in Panmunjom declaration, incl. Liaison Office in Kaesong.

The framing text makes clear that ROK forces will not assist US preemptive strikes to neither decapitate the DPRK nuclear arsenal nor its leadership.



ROK reading of complete denuclearization opens bridge to US concept of Complete, verifiable, irreversible denuclearization, (CVID).

Preamble: The two leaders solemnly declared before the 80 million Korean people and the whole world that there will be no more war on the Korean Peninsula and thus a new era of peace has begun

1. South and North Korea affirmed the principle of determining the destiny of the Korean nation on their own accord and agreed to bring forth the watershed moment for the improvement of inter-Korean relations by fully implementing all existing agreements and declarations adopted between the two sides thus far.

2. South and North Korea will make joint efforts to alleviate the acute military tension and practically eliminate the danger of war on the Korean Peninsula.

2.2. South and North Korea agreed to devise a practical scheme to turn the areas around the Northern Limit Line in the West Sea into a maritime peace zone in order to prevent accidental military clashes and guarantee safe fishing activities.

2.4 South and North Korea confirmed the common goal of realizing, through **complete denuclearisation, a nuclear-free Korean Peninsula.**

„All existing agreements“ may also refer to Joint Denuclearization Decl.+ Commission of 1992.



Complete denuclearization in DPRK understanding also includes ROK denuclearization, incl. bilateral inspections of US military sites in ROK.

DPRK conditions for denuclearization of Korean Peninsula

1. It called for the United States to publicly disclose its nuclear weapons in South Korea;
2. remove and verify that US weapons are not present on US bases in South Korea;
3. guarantee that the United States will not re-deploy nuclear weapons in South Korea;
4. assure that the United States will not threaten or conduct a nuclear strike on North Korea;
5. and withdraw US troops authorized to use nuclear weapons from South Korea.

July 6th, 2016 Statement by Spokesperson of the DPRK Foreign Ministry, Source:
https://www.armscontrol.org/ACT/2016_09/News/North-Korea-Shifts-on-Denuclearization

Security-related Sections of Panmunjom Declaration, April 27th 2018

2. South and North Korea will make joint efforts to alleviate the acute military tension and practically eliminate the danger of war on the Korean Peninsula.

1) South and North Korea agreed to completely cease all hostile acts against each other in every domain, including land, air and sea, that are the source of military tension and conflict. In this vein, the two sides agreed to transform the demilitarized zone into a peace zone in a genuine sense by ceasing as of May 2 this year all hostile acts and eliminating their means, including broadcasting through loudspeakers and distribution of leaflets, in the areas along the Military Demarcation Line.

2) South and North Korea agreed to devise a practical scheme to turn the areas around the Northern Limit Line in the West Sea into a maritime peace zone in order to prevent accidental military clashes and guarantee safe fishing activities.

3) South and North Korea agreed to take various military measures to ensure active mutual cooperation, exchanges, visits and contacts. The two sides agreed to hold frequent meetings between military authorities, including the defence Ministers Meeting, in order to immediately discuss and solve military issues that arise between them. In this regard, the two sides agreed to first convene military talks at the rank of general in May.

3. South and North Korea will actively cooperate to establish a permanent and solid peace regime on the Korean Peninsula. Bringing an end to the current unnatural state of armistice and establishing a robust peace regime on the Korean Peninsula is a historical mission that must not be delayed any further.

1) South and North Korea reaffirmed the Non-Aggression Agreement that precludes the use of force in any form against each other, and agreed to strictly adhere to this Agreement.

2) South and North Korea agreed to carry out disarmament in a phased manner, as military tension is alleviated and substantial progress is made in military confidence-building.

3) During this year that marks the 65th anniversary of the Armistice, South and North Korea agreed to actively pursue trilateral meetings involving the two Koreas and the United States, or quadrilateral meetings involving the two Koreas, the United States and China with a view to declaring an end to the war and establishing a permanent and solid peace regime.

4) South and North Korea confirmed the common goal of realizing, through complete denuclearisation, a nuclear-free Korean Peninsula. South and North Korea shared the view that the measures being initiated by North Korea are very meaningful and crucial for the denuclearisation of the Korean peninsula and agreed to carry out their respective roles and responsibilities in this regard. South and North Korea agreed to actively seek the support and cooperation of the international community for the denuclearisation of the Korean Peninsula.

Pyongyang Summit Declaration, Sept. 18-20, 2018

1. It is a bilateral political agreement, with no formal international legal character, not requiring legislative ratification.
2. It mirrors more than a dozen agreements signed by North Korea since 1992, envisioning improved US-DPRK relations and a lasting and stable peace regime on the Korea peninsula.
3. The declaration clearly displays the diplomatic tensions between inter-Korean dialogue on military matters and US(UN command authority on the agreement seeks to rejuvenate the stuck DPRK-US process through reaffirming inter-Korean cooperation.

The framing text foregrounds the autonomous nature of inter-Korean relations and their improvement + the economic nature: co-prosperity

Preamble: Excellent progress made since the adoption of the historic Panmunjeom Declaration, such as the close dialogue and communication between the authorities of the two sides, civilian exchanges and cooperation in many areas, and epochal measures to defuse military tension.

1. The two leaders reaffirmed the principle of independence and self-determination of the Korean nation, and agreed to consistently and continuously develop inter-Korean relations for national reconciliation and cooperation, and firm peace and co-prosperity.

2. The two sides agreed to adopt the “Agreement on the Implementation of the Historic Panmunjom Declaration in the Military Domain” as an annex to the Pyeongyang Declaration, and to thoroughly abide by and faithfully implement it, and to actively take practical measures to transform the Korean Peninsula into a land of permanent peace.

The two leaders agreed, through regular meetings and direct telephone conversations, to hold frequent and candid discussions on issues vital to the nation, ...to jointly endeavour to strengthen the positive momentum towards continuous advancement of inter-Korean relations as well as peace, prosperity and unification of the Korean Peninsula.

MIA issue is a standard feature of bi- multilateral agreements to satisfy American public.

Military annex touches upon UN coimmand authroity: “The comments can be considered that the *UNC sufficiently shares the view on what has been processing so far and it will give their full cooperation in areas where they should cooperate,*” the MND spokesperson said.

“My understanding is that *there has been no big difference between the UN and the South and the North over the matter.*”

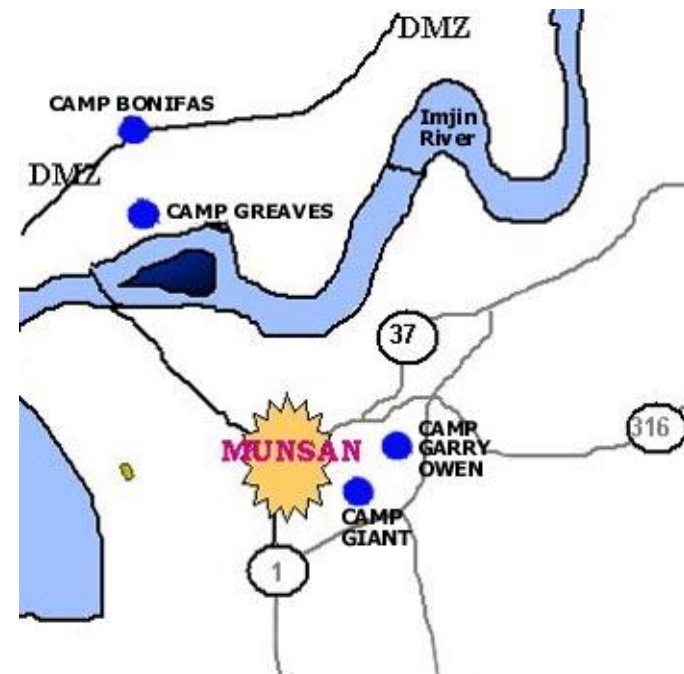
The Military Annex Agreement to Pyongyang Declaration: Issues + Implementation

Practical Implimentation

- Military agreement saw Seoul and Pyongyang agree to “designate No Fly Zones for all aircraft types above the MDL” from November 1.
- Helicopters — which described as “rotary-wing aircraft” in the agreement — will be banned from flying within 10 kilometers from the MDL.
- “The Ministry of National Defense has been in close consultation with the UNC over all the procedures for signing the military agreement including the designation of No Fly Zones.
- The inter-Korean military agreement stipulates that aircraft would be permitted to fly No Fly Zones if the operation “becomes necessary such as in the cases involving fire-fighting, ground & maritime rescue, medical evacuation, weather observation, and farming support.”

Source: <https://www.nknews.org/2018/09/no-big-difference-between-south-korea-unc-on-removal-of-dmz-guard-posts-mnd/>

Position of Camp Bonifas



Source: <http://old.506infantry.org/his2id/hiskoreamap01.html>

Conclusion

Assessment and outlook

- The European Union has a strong interest in a Denuclearization of North Korea to preserve peace on the Korean peninsula and uphold the NPT.
 1. The EU wants to prevent a proliferation of nuclear and ballistic missile systems from DPRK to the Middle East, Asia or other regions.
 2. The EU is concerned about the destabilizing effects of a nuclear DPRK on the security policies of ROK, Japan, the US and subsequently China.
- In the past, the European Union has been engaged in nonproliferation on the peninsula, funding and administrating the Korean Peninsula Energy Development Organisation (KEDO) (1995-2002) and is likely to do so again if all parties concerned agree, most notably DPRK and US.

Options for conflict resolution

1. Negotiating a „Freeze-for-Freeze-Agreement“ (RF/VRC)
2. Preemptive or Preventive strikes against ballistic missile launch sites, nuclear production facilities or DPRK leadership
3. Interdiction of ballistic and/or nuclear (weapons) exports
4. Enhanced Deterrence:
 1. Rotating nuclear capable capacities to South Korea/Japan
 2. Deploying US tactical nuclear weapons in South Korea
 3. Supporting South Korea/Japan in becoming a Nuclear Weapon State

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