

NORTH KOREA AND THE BOMB

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North Korea's long quest for nuclear weapons entered a new phase on October 9, when it claimed to have conducted an underground nuclear test "successfully" and "under secure conditions."¹ With Washington's official confirmation on October 16 that it was indeed an "underground nuclear explosion,"² North Korea may be in the threshold of joining the world's exclusive nuclear club, which counts eight members.³

Although the situation is still fluid, with the possibility of further tests looming on the horizon, one may nonetheless essay a preliminary assessment of what has happened thus far—that is, from October 3 to 18. Particularly noteworthy is the swiftness with which the UN Security Council approved a unanimous resolution condemning the reported test and imposing sanctions on the North. Whether the sanctions will be faithfully implemented and whether they will prove to be effective, however, are open to question.

The Reported Test

In a conspicuous departure from its past practice, the North announced its intention to conduct a nuclear test six days prior to its occurrence. None of the missile tests the North had conducted, notably the August 1998 launch of a *Taepodong* missile and the July 2006 launch of seven missiles of varying range, had been preceded by advance notice or warning. In a statement issued by its foreign ministry on October 3, the North unveiled its plan to conduct a nuclear test under conditions in which "safety is firmly guaranteed,"

¹ "DPRK Successfully Conducts Underground Nuclear Test," *Korea Central News Agency (KCNA)*, Pyongyang, October 9, 2006, online at www.kcna.co.jp/item/2006/200610/news10/10.htm

² Office of the Director of National Intelligence, Public Affairs Office, *Statement by the Office of the Director of National Intelligence on the North Korea Nuclear Test, News Release*, Washington DC, October 16, 2006, online at www.dni.gov/announcements/20061016_release.pdf

³ They are the U.S., Russia, the United Kingdom, France, China, India, Pakistan, and Israel. Israel is listed last, because although its acquisition of nuclear weapons preceded India and Pakistan, it has never acknowledged that "fact."

asserting that the North's sole aim is to bolster its deterrent against the U.S. "threat of nuclear war."⁴

Pyongyang's announcement of an impending nuclear test triggered an outburst of warning and counsel for restraint from the other participants in the Six-Party Talks. China's ambassador to the UN, Wang Guangya, for example, warned on October 4 that "no one is going to protect [the North], if it goes ahead with bad behavior," adding that "they will face serious consequences."⁵ On the following day, China joined the other members of the UN Security Council in authorizing its president to make a statement urging the DPRK not to undertake a nuclear test and to "refrain from any action that might aggravate tension." The Security Council, according to the statement, "stresses that a nuclear test, if carried out by the DPRK, would represent a *clear threat to international peace and security* and that should the DPRK ignore calls of the international community, the Security Council will act consistent with its responsibility under the Charter of the United Nations."⁶

When Japan's newly elected prime minister, Abe Shinzo, visited China and held a summit meeting with Hu Jintao on October 8, the two leaders specifically called on the North not to undertake a nuclear test. As noted, the North went ahead with its test on the following day. China's reaction was both swift and harsh. Its foreign ministry issued a statement using a language that stunned observers: The DPRK "outrageously conducted a nuclear test on October 9th in defiance of unanimous opposition from the international community, and the Chinese government voices its firm opposition to the test."⁷

Given all this, it was a foregone conclusion that the UN Security Council would adopt a sanctions resolution on North Korea unanimously. Before discussing the resolution, however, we need to pause briefly to note what is known about the nature of the test the North conducted on October 9. What the U.S. government has officially stated consists of the following two short sentences:

⁴ "DPRK Foreign Ministry Clarifies Stand on New Measure to Bolster War Deterrent," *KCNA*, Pyongyang, October 3, 2006, online at www.kcna.co.jp/item/2006/200610/news10/04.htm

⁵ "China: North Korea Nuclear Test Would Have 'Serious Consequences'," *USA Today*, October 5, 2006, online at http://www.usatoday.com/news/world/2006-10-05-north-korea_x.htm

⁶ United Nations Security Council, *Statement by the President of the Security Council*, 6 October 2006 (S/PRST/2006/41), online at www.un.org Italics added.

⁷ "Chinese Government in Firm Opposition to DPRK Nuclear Test," *People's Daily Online*, October 9, 2006, online at english.peopledaily.com.cn/200610/09/print20061009_310158.html The Chinese word used was *hanran*, which can be translated as "outrageously, brazenly, flagrantly, or without any scruples."

“Analysis of air samples collected on October 11, 2006 detected radioactive debris which confirms that North Korea conducted an underground nuclear explosion in the vicinity of P’unggye on October 9, 2006. The explosion yield was less than a kiloton.”⁸

What is striking about the preceding statement is the low yield of the explosion. Since the North reportedly gave China a 20-minute advance notice of the test, indicating that the expected yield of the explosion would be 4-5 kilotons, the actual yield is only a fraction of what the North appears to have aimed at. The estimated yields in the first tests of other states are as follows:⁹

U.S.	July 1945	19 kiloton (kt)
Soviet Union	August 1949	22 kt
U.K.	October 1952	25 kt
France	February 1960	60 kt
China	October 1964	22 kt
India	May 1974	12 kt
Pakistan	May 1998	9 kt

Experts in the U.S. speculated that the “small size of the test signaled the possibility of what might be described as a partial success or a partial failure.”¹⁰ This may give the North a strong incentive to conduct a second test.

Another aspect of the test is that the explosion on October 9 “was powered by plutonium that North Korea harvested from [its 5 megawatt reactor in Yongbyon.]” This finding by U.S. intelligence agencies suggests that the North’s second nuclear weapons program utilizing highly enriched uranium “was not yet ready.” According to Siegfried S. Hecker, the former chief of the Los Alamos National Laboratory, “who has visited North Korea and is one of the few foreigners to have seen parts of its nuclear infrastructure,” “this is good news because we have a reasonably good idea of how much plutonium they have made.”¹¹ From the early 1990s to the latter part of 2002, international inspectors, mainly from the International Atomic Energy Agency (IAEA), were allowed to monitor the nuclear facilities in Yongbyon, but dozens of U.S. government personnel also served as

⁸ Office of the Director of National Intelligence... (See Note 2 above.)

⁹ *Manichi shinbun*. October 17, 2006, evening edition.

¹⁰ William J. Broad and Mark Mazzetti, “Small Blast May Be Only a Partial Success, Experts Say,” *New York Times*, October 10, 2006, p. A8.

¹¹ Thom Shanker and David E. Sanger, “North Korean Fuel Said to Be Plutonium,” *ibid.*, October 17, 2006.

“on-site monitors.”¹² U.S. intelligence analysts “estimate that North Korea has enough material to make 8 to 10 bombs.”¹³

The UN Security Council Resolution

The U.S.-drafted resolution underwent many changes due to objections from China and Russia. To cite a few examples, “it eliminated explicit mention of military enforcement of the sanctions, placed more limits on the kinds of cargo that could be inspected going in and out of North Korea, and dropped a blanket embargo on conventional weapons.”¹⁴

The resolution the UN Security Council adopted unanimously on October 14, nonetheless, was by no means soft on the North. Not only does it send a strong message to Pyongyang, it is also designed to punish the DPRK in numerous ways.

Noteworthy aspects of the resolution (S/RES/1718) are the following:¹⁵

First, it does mention the controversial Chapter 7 of the UN Charter, while making it clear that only non-military measures will be utilized. To quote: “Acting under Chapter VII of the United Nations, and taking measures under its article 41,” the Security Council “condemns the nuclear test proclaimed by the DPRK on 9 October 2006 in flagrant disregard of its relevant resolutions.”¹⁶

Second, the resolution makes a series of “demands” on the DPRK—notably (1) refrain from conducting “any further nuclear test or launch of a ballistic missile,” (2) “immediately retract its announcement of withdrawal of the Treaty on the Non-proliferation of Nuclear Weapons [NPT],” and (3) “return to the [NPT] and International Atomic Energy Agency (IAEA) safeguards.”

Third, through the resolution the Security Council “decides” that the DPRK shall “suspend all activities related to its ballistic missile program...and re-establish its pre-

¹² Jon B. Wolfsthal, “Behind Enemy Reactors,” *ibid.*, October 14, 2006. He writes about “my time in a North Korean nuclear center” in the winter of 1996.

¹³ Shanker and Sanger, “North Korean Fuel....”

¹⁴ Warren Hoge, “U.S. Hits Obstacles to Action By U.N. on North Korea,” *New York Times*, October 13, 2006.

¹⁵ United Nations Security Council, *Resolution 1718 (2006) Adopted by the Security Council at its 4441st meeting on 14 October 2006*, online at www.un.org

¹⁶ Article 41 empowers the Security Council to authorize “measures not involving the use of force...to give effect to its decisions.” Article 42, which Resolution 1719 does not cite, enumerates measures involving the use of force, which the Security Council may take in the event that non-military measures prove to be inadequate.

existing commitments to a moratorium on missile launching,” “abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner,” and “abandon all other existing weapons of mass destruction and ballistic missile programs in a complete, verifiable and irreversible manner.”

Fourth, the resolution enumerates an embargo on a series of items that all UN member states are required to implement, including “any battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missiles system...and related material including spare parts” and “luxury goods.”

Fifth, the resolution spells out the obligation of all member states to “freeze immediately the funds, other financial assets and economic resources...that are owned or controlled, directly or indirectly, by the persons or entities designated by the [sanctions committee to be established by the Security Council] or by the Security Council as being engaged in or providing support for...the DPRK’s nuclear-related [or other WMD-related] programs or by persons or entities acting on their behalf or at their direction.”

Sixth, the resolution requires all member states to “take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the [Sanctions] 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 [WMD-related] programs, together with their family members.”

Seventh, the resolution “calls upon” all member states to inspect “cargo to and from the DPRK, as necessary” in order to prevent “illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials.”

Eighth, the resolution provides an exemption from embargo or freeze for “financial or other assets or resources that have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges...”

Ninth, the resolution “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 all the participants in the Six-Party Talks.

Finally, the resolution “underlines that further decisions will be required, should additional measures be necessary.” This ensures that notwithstanding the reference to Chapter 7 noted earlier, resort to measures not specified in Resolution 1718—such as the use of force—would require a new resolution by the Security Council.

Pyongyang’s Response to the Sanctions Resolution

Anticipating a passage by the UN Security Council of a sanctions resolution, North Korea warned on October 11 that it would equate an intensification of pressure spearheaded by the U.S. with a declaration of war and take “physical counter-measures.” In a statement released by its foreign ministry spokesman, the North asserted that it had been compelled to “prove [its] possession of nuclear weapons in order to counter the threat of war from the U.S. and to safeguard [its] sovereignty and right to exist.” The North claimed that since it had already withdrawn from the NPT, its nuclear test was free from any legal constraint. Finally, as the denuclearization of the Korean Peninsula was the wish of the late President Kim Il Sung, it remained the DPRK’s “ultimate goal.”

Before examining Pyongyang’s reaction to the sanctions resolution per se, we may pause briefly to assess the North’s claim that its withdrawal from the NPT had given it a free hand to conduct a nuclear test. While it is true that the NPT is not binding on states that are not parties to it, the North is conveniently overlooking the 1993 North-South joint declaration on the denuclearization of the Korean Peninsula. Having gone through the process of signing by the prime ministers of both sides, followed by ratification by their respective legislatures, the joint declaration is a legally binding international agreement.

Turning to the UNSC’s sanctions resolution, the North’s initial response came immediately following its passage: DPRK ambassador to the UN, Pak Gil Yon, who had observed the proceedings as an observer, lashed out against the resolution, labeling its adoption a “gangster-like” act. He categorically rejected it. A statement issued by the DPRK Foreign Ministry spokesman on October 17 reiterated the familiar argument: the nuclear test was an “exercise of [North Korea’s] legitimate right as a sovereign state, as it was a defensive countermeasure to protect the sovereignty of the country and the life and security of the people” from the U.S. “nuclear war threat, sanctions and pressure.” The North underscored the “unprecedented” advance announcement of the test, its occurrence under “the conditions where its security is fully guaranteed,” its public assurance that “as

a responsible nuclear weapons state, the DPRK would never use nuclear weapons first and would not allow their transfer” to third parties.¹⁷

If the “Bush administration thinks that it can bring us to our knees with sanctions and pressure, it is a laughable and vain fantasy,” the North said. “Having endured all sorts of hardship and sufferings in the past when we lacked nuclear weapons,” the statement continued, “it is unthinkable that as a nuclear weapons state, our Republic will succumb to anyone’s pressure or threat.” After warning that “anyone who dares to encroach upon our sovereignty and right to exist invoking the UN Security Council ‘resolution’ will be mercilessly hit,” the North declared that it would “closely monitor U.S. behavior in the days ahead and take corresponding measures.”¹⁸

An Assessment

The militant rhetoric emanating from Pyongyang should not surprise anyone. In some cases, however, it contains a kernel of truth—in the sense that it reflects what the North’s governing elite really thinks. The tireless—and tiresome—refrain that the North is threatened by the U.S., for example, is grounded on some irrefutable evidence. If one were to set aside the chicken and egg problem, one cannot deny that the U.S. has considered a surgical strike against nuclear installations in the North, not really ruled out a military option, and embraced the doctrine of preemption. When this is coupled with the U.S.’s actual track record in the use of force against small states, including Iraq, the North Korean leaders’ sense of insecurity cannot be dismissed as paranoia pure and simple. Pyongyang’s calculation that possession of a nuclear arsenal, no matter how small and crude, can serve as a deterrent to external attack, then, may not be far-fetched.

Could the North’s nuclear test have been either prevented or delayed? Washington’s finding that the October 9 test involved a plutonium-based nuclear device is instructive, for it suggests the possibility that had the Agreed Framework not been allowed to evaporate, the North would not be in a position to make nuclear weapons or devices utilizing plutonium. Its withdrawal from the NPT, together with its dismantlement of the IAEA monitoring mechanism, followed, not preceded, what Pyongyang perceived as the final straw—namely, the U.S.-led decision in November 2002 to terminate the program

¹⁷ “Choson Oemusong taeyonin Yu’en Anjongbojang Isahoe ‘kyorui’ chonmyon paegyok” [DPRK Foreign Ministry Spokesman Totally Rejects UN Security Council “Resolution”], *Choson chungang t’ongsin* [KCNA], Pyongyang, October 17, 2006, online at www.kcna.co.j/indexk.htm

¹⁸ *Ibid.*

to supply 500,000 metric tons of heavy fuel oil to the North. With the benefit of hindsight, one can argue that it was a short-sighted, tactical mistake.

Will the sanctions imposed by the UN Security Council work? The answer depends in part on the degree to which they are implemented. As of this writing, two of the most important actors—China and South Korea—have shown but lukewarm commitments to the sanctions regime. Some Chinese banks reportedly halted transactions with the North, and Chinese border guards in Dandong began searching trucks crossing the Yalu river into Shin’uiju. As China’s UN ambassador, Wang Guangya, put it, however, China is not prepared to go beyond “inspections,” which Wang stresses, are “different from interception and interdiction.”¹⁹

South Korea has not given any indication that it will suspend two inter-Korean economic cooperation projects that serve as important sources of hard currency for the North: the Kungang mountain tourism project and the Kaesong Industrial Park. Nor is Seoul enthusiastic about the requirement for inspecting cargo on North Korean ships. Seoul has not been an active participant in the Proliferation Security Initiative, and whether it will change its policy in accordance with the UNSC resolution remains to be seen.

The North’s claim that it would not cave in to external pressure needs to be taken seriously. Stark choices, however, will not materialize until and unless both Beijing and Seoul agree to use their leverages to the full extent. The likelihood that Beijing will either cut off or significantly reduce its food and energy assistance to the North, however, seems slim. Nor are the prospects for Seoul’s unstinted cooperation with Washington and Tokyo in the vigorous implementation of the sanctions regime particularly promising. What will work in the final analysis is a combination of sticks and carrots—pressure and inducements. Whether such a winning formula can be crafted and, if so, what it will look like remain singularly elusive at the moment.

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¹⁹ Choe Sang-Hun and John O’Neil, “North Korea May Be Preparing for 2nd Nuclear Test,” *New York Times*, October 17, 2006.