

## Addressing the DPRK “Status” Question– Lessons from South Asia?

Toby Dalton  
Deputy Director, Nuclear Policy Program  
Carnegie Endowment for International Peace  
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The 1994 Agreed Framework stipulated civil nuclear cooperation in return for freeze and verified dismantlement of North Korea’s plutonium production infrastructure

- DPRK was a non-nuclear weapon state member of the NPT, albeit not in good standing—it had “suspended” its NPT withdrawal
- It had an IAEA safeguards agreement (suspended by Agreed Framework, never fully implemented)
- DPRK was known to have separated a small quantity of Pu, but no suspicion at that time of HEU program
- Weaponization of Pu was uncertain; extant long-range missile program
- ROK to provide power reactors under the Agreed Framework

In 1994 there was no status problem. Plutonium production issues could be resolved through implementation of IAEA full-scope safeguards. DPRK would have returned to “good standing” as NPT NNWS.

Following withdrawal from NPT in 2002 and then first nuclear test in 2006, the status problem becomes harder to resolve.

- September 2005 Joint Statement: “The D.P.R.K. committed to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Nonproliferation of Nuclear Weapons and to IAEA safeguards.”
- Possible to address fissile material production—safeguards and transparency regime. HEU and Pu not inherently inconsistent with NNWS status under NPT.
- But much harder to build confidence that weaponization activities not ongoing.

In April 2013, following third nuclear explosion test and period of high tension, DPRK states:

- To resolve crisis, the U.S. “has to respect [the DPRK’s] sovereignty and should not set the dismantlement of nuclear program as a precondition for dialogue.”
- “If the DPRK sits at the table with the U.S., it has to be a dialogue between nuclear weapon states, not one side forcing the other to dismantle nuclear weapons.”

- To settle issues peacefully, the U.S. “has to state in public its stand to accept the DPRK’s preconditions for dialogue.”

#### Implications of the DPRK statement:

- Assertion of a new status of de facto nuclear weapon state.
- Treatment as equal, indicating permanence to its possession of nuclear weapons.
- “Denuclearization of the Korean Peninsula” as precondition/objective of dialogue seems increasingly difficult to reconcile.
- Role of (nuclear) energy cooperation as potential incentive in resolution of issues becomes more complicated given NPT and NSG rules.
- How to resolve new status? Deny (“neither realistic nor acceptable”); mitigate; or accommodate.

#### International community confronted similar conundrum in South Asia in 1998.

- India and Pakistan conducted nuclear tests; both asserted that they intended to weaponize and induct nuclear weapons into militaries.
- Immediate reaction (UNSCR 1172) was to assert that under NPT, neither India nor Pakistan could be have the status of nuclear weapon state and call on both to accede to NPT and CTBT.
- Sanctions regime, but frayed quickly and was abandoned by 2001.

U.S. policy approach was to affirm desire for rollback, but to work quietly for more practical results: nuclear test moratorium and sign CTBT; fissile material production moratorium; encourage strategic restraint (limit missile range, non-deployment); implement export controls; and to encourage both sides to address root causes of insecurity.

In 2005, however, U.S. led international effort to change the rules for India, despite its status as non-NPT nuclear weapon state.

- NSG waiver (2008) for India to allow civil nuclear trade without full-scope safeguards.
- India made some commitments in return: separate civil and military nuclear programs; safeguard civil nuclear program; maintain nuclear test moratorium; implement export controls.
- No quid pro quo: India made no commitments analogous to NPT article 6 (disarmament), so no process that would lead to India joining NPT as NNWS.

#### Important issues and contextual factors:

- Sanctions were unlikely to work—punitive but not sufficient to deter or change strategic calculus.
- India already had IAEA safeguards on some civil reactors, but separation not entirely clean (e.g., some power reactors remain unsafeguarded).
- India was never an NPT member, so even though tests transgressed international norms and sensibilities, it violated no international treaties.

- India has potentially large market for civil nuclear power, thus interest by nuclear vendors (and pressure on governments).
- Democratic India was not threatening nuclear war on those with whom it would pursue nuclear cooperation; notwithstanding nuclear status, was seen as valued member of the international community.

Interestingly, though no similar accommodation made with Pakistan (yet), it has nonetheless sought to achieve nuclear legitimacy through engagement with the regime, adoption of stringent export controls, etc, with the long-term aspiration of a deal for civil nuclear trade.

Lessons for DPRK in confronting its status, given current trajectory?

- Current policies stress rollback, but perhaps useful to consider alternative pathway or sequencing.
- Many caveats:
  - o Retain long-term goal of denuclearization and resolving core disputes
  - o Play down centrality of nuclear weapons in DPRK narrative
  - o Indicate that U.S./others can't recognize DPRK as a nuclear weapon state, just as they can't recognize India or Pakistan as such. But could recognize DPRK as a state with "sophisticated nuclear capabilities" or similar euphemism.
  - o Necessarily a multilateral endeavor
- Focus on building DPRK engagement with the regime as near-term confidence building steps toward reputation as responsible steward of nuclear technology.
- Global priorities: nuclear safety and security (Fukushima, Nuclear Security Summit), so facilitate international engagement (not supply) with DPRK's ELWR program; transparency: encourage DPRK to apply INFCIRC/66 safeguards at ELWR and other "civil" nuclear facilities; facilitate participation in IAEA and industry best practices programs.
- Policy measures: nuclear test moratorium, cessation of fissile material production as milestones toward legitimacy.
- The above could be tied in "action-for-action" sequence with sanctions, other inducements.
- Do not rule out possibility of future international nuclear power cooperation, but make clear requirement of international confidence in DPRK as responsible nuclear state.

Wisdom of this course depends in part on judgment of whether current approach in South Asia is better than the pre-2005 status quo, and on assessment of threat. India deal exacerbated nonproliferation regime tensions, perhaps also regional deterrence instabilities, but also encouraged stronger nuclear best practices and engagement with the regime that could be beneficial in the long run.