

## The 8<sup>th</sup> NPT Review Conference and the North Korean Nuclear Issue

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### 1. Basic Direction of the 8th NPT Review Conference

Since the Treaty on the Nonproliferation of Nuclear Weapons (NPT) was ratified in 1970, its member nations have gathered every 5 years for a Review Conference (RevCon) to evaluate their progress, discuss problems, and offer solutions. The conference participants are diverse: nuclear and non-nuclear nations, developed nations and non-aligned nations, etc. Thus it has developed a reputation as a forum for frank and animated exchange of a variety of opinions. This year, the 8<sup>th</sup> NPT Review Conference was held May 3-28 in New York and achieved unanimous support for its Final Document. Leading up to this conference there were 3 “Preparatory Committee” (PrepCom) meetings - in Vienna in 2008, in Geneva in 2008, and in New York in 2009 - to fine-tune the agenda and direction of the 2010 conference.

The 3<sup>rd</sup> PrepCom meeting, held May 4-15 2009, agreed upon the basic flow of operations for the 8<sup>th</sup> NPT RevCon. The discussion at this year’s RevCon returned to the issues from the 6<sup>th</sup> NPT RevCon in 2000, before the Bush Administration took office. The Bush administration, characterized by a fundamental mistrust of multilateralism and the international system, withstood international criticism and pursued a unilateral approach. At the time, the US unilaterally withdrew from the 1972 ABM treaty, the central pillar the Cold-War era US-Soviet military disarmament effort, in which both sides pledged to give up practical defense capabilities. In addition, the Bush Administration refused to approve the agenda for the 7<sup>th</sup> NPT Review in 2005, which contributed to the failure to ratify that conference’s Final Document. In the end, the 2009 PrepCom chose to adopt the agenda from the 6<sup>th</sup> RevCon as the new agenda for the 8<sup>th</sup> RevCon, and thus was able to minimize discussion time.

The 8<sup>th</sup> NPT Review focused on the faithful implementation of 3 major previous agreements. First is the “Principles and Objectives for Nuclear Non-Proliferation and Disarmament” adopted at the 1995 Peace Conference, at which it was agreed to extend the NPT indefinitely. To this, they proposed the following 7 concrete principles and objectives: 1. Globalize the NPT, 2. Enable the NPT to perform the central role of denuclearization, 3. Faithfully execute disarmament agreements, 4. Encourage the establishment of nuclear-free zones, 5. Provide security assurances for non-nuclear nations, 6. Strengthen mechanisms to prevent the spread of nuclear materials, 7. Ensure peaceful use of nuclear energy.

Second is the agreement adopted at the 5th Peace Conference in 1995, as a condition for the indefinite extension of the NPT, to establish a nuclear-free zone in the Middle East. Acknowledging that a ban on weapons of mass destruction, such as nuclear, chemical and biological weapons, contributes to the Middle East peace process, this agreement called on the countries of the Middle East to faithfully act to establish a verifiable “WMD-Free Middle East.” The agreement also called on all nuclear powers in the NPT to work together to achieve the “WMD-Free Middle East” at an early date. This condition was a crucial in persuading non-aligned nations to agree to extend the NPT indefinitely.

Third is the agreement on “13 Practical Steps for the Systematic and Progressive Efforts to Achieve Complete Disarmament” adopted at the 6<sup>th</sup> Peace Conference in 2000. These specify the actual measures to be taken to achieve the objectives for disarmament specified in NPT Article VI and the 1995 Peace Conference’s “Principles and Objectives for Nuclear Non-Proliferation and Disarmament.” To summarize the major points: 1. Rapid implementation of the “Comprehensive Test Ban Treaty” and cessation of nuclear testing, 2. Discussion on prohibiting production of nuclear materials, 3. Applying the principle of “irreversibility” to nuclear disarmament and other military restriction and reduction measures, 4. Reaffirming the obligation of nuclear states to completely eliminate their nuclear weapons and taking appropriate measures, 5. Developing verification abilities in order to ensure execution of nuclear disarmament agreements and achieve a nuclear-free world.

## 2. The 8th NPT Review Conference’s Final Document

The Final Document is divided into two sections: a review of the current progress of the NPT and a plan for future actions to be taken. The action plan provided for 64 measures divided among the “3



Great Pillars” of the NPT: nuclear disarmament (1-22), nuclear nonproliferation (23-46), and peaceful use of nuclear energy (47-64). Further, additional measures were approved for implementation of the Nuclear-Free Middle East Zone agreed on at the 1995 Peace Conference. A summary of the supplemental measures specified for each area follows.

### **A. Nuclear Disarmament**

All countries agreed that they must follow the policies laid out by the NPT for the goal of a nuclear-free world, and they must follow the principles of “irreversibility, verifiability, and transparency” in connection with the NPT. The nuclear states agreed that they must discard all kinds of nuclear weapon, whether deployed or not, and a proposal was made for promptly establishing a nuclear disarmament body at the “Conference on Disarmament” (CD). Acknowledging that total denuclearization is the most definite measure for guaranteeing security, they proposed starting a discussion at the CD about passive security assurances, complete implementation of existing nuclear-free zones, and establishment of new zones. Reaffirming the need for a ban on nuclear testing, they urged the earliest possible ratification of the CTBT, and recommended signing treaties banning production of nuclear materials that could be used in the making of nuclear weapons. All member states agreed to report regularly on their progress in executing the additional measures provided in the action plan.

### **B. Nuclear Non-Proliferation**

Agreeing on the application of full IAEA safeguards regarding nuclear materials used in the peaceful production of nuclear energy, all member states urged the approval as soon as possible of additional IAEA protocols. They also called for increased IAEA inspection of peaceful nuclear facilities in nuclear states and provision of the political, technical, and financial resources needed for the IAEA to perform its functions. They agreed that all member states must ensure that their nuclear-related exports not be used, directly or indirectly, for any nuclear programs in the importing countries, and must do everything possible to ensure secure custody of their nuclear materials. The agreement also stressed that each country must work to sniff out and stop illegal trade of nuclear materials and weapons within their borders, and join agreements for preventing nuclear terrorism as soon as possible.



### C. Peaceful Use of Nuclear Energy

Respecting the decisions of the NPT member states regarding the peaceful use of nuclear energy, it was resolved to assist as much as possible in their acquisition of related equipment, facilities, materials, and information. In this process of developing nuclear energy, each country must keep its promises regarding protection and security, including the IAEA guarantees. They agreed to continue to discuss multilateral approaches to the nuclear fuel cycle and proposed that member states join all agreements on nuclear safety and protection. They encouraged states to volunteer to reduce their use of highly enriched uranium, and urged faithful observation of the “prohibition of armed attack or threat of attack against nuclear installations” decided at the 2009 IAEA General Meeting. They further pledged to follow the standards relating to shipment of nuclear materials and make doubly sure of their safe transport.

### D. Achieving a Nuclear-Free Zone in the Middle East

The conference re-affirmed the agreements from the 5th and 6th NPT Peace Treaties related to establishing a nuclear-free zone in the Middle East, and, in line with the 2000 Peace Conference agreement which called for Israel’s entry into the NPT and acceptance of IAEA inspections, they urged all Middle Eastern countries which have not yet joined the NPT to do so. The UN Secretary General and representatives of the US, the UK, and Russia - the countries which proposed the Middle East Nuclear-Free Zone at the 1995 Peace Conference - reached an agreement with the countries in the region and proposed holding a conference in 2012 on the subject. They also appointed an attaché in charge of enacting the 1995 agreement, to be tasked with aiding in enforcement of the measures ratified at the 2012 conference, who must deliver progress reports to the 9<sup>th</sup> NPT Review Conference in 2015 and its preparatory committees. All NPT member states must report to the 9<sup>th</sup> NPT RevCon and PrepComs on the steps they have taken to implement the 1995 agreement.

## 3. Implications for the North Korean Nuclear Issue

In the following 3 segments, the Final Document strongly denounces North Korea’s nuclear program and calls for its abandonment.



First, in the section on review of the operation of the treaty, while discussing the security of non-nuclear states, the Final Document identifies the character of the North Korean nuclear program as follows.

“The Conference affirms that the situation with respect to the nuclear programme of the Democratic People’s Republic of Korea constitutes a threat to the peace and security of Northeast Asia and the entire international community, and poses a critical challenge to the global non-proliferation regime.”

Second, the section on review of the operation of the treaty dealing with nuclear non-proliferation makes the following condemnation of North Korea’s nuclear development.

“The Conference condemns with the strongest possible terms the nuclear test explosions carried out by the Democratic People’s Republic of Korea in 2006 and 2009. The Conference recalls all relevant United Nations Security Council resolutions and that the Democratic People’s Republic of Korea cannot have the status of a nuclear-weapon-state.”

Third, in the section on establishing a Nuclear-Free Zone in the Middle East, the document urges action from North Korea and expresses support for a diplomatic solution as follows.

“The Conference strongly urges the Democratic People’s Republic of Korea to fulfil the commitments under the 6-Party Talks, including the complete and verifiable abandonment of all nuclear weapons and existing nuclear programmes in accordance with the September 2005 Joint Statement, and urges the Democratic People’s Republic of Korea to return, at an early date, to the Treaty and to its adherence with its IAEA safeguards agreement. The Conference also calls on the Democratic People’s Republic of Korea and all States parties to fully implement all relevant nuclear non-proliferation and disarmament obligations. The Conference reaffirms its firm support for the Six-Party Talks and remains determined to achieve the satisfactory and comprehensive resolution to the issues involved through diplomatic means.”

While the Obama administration has from the beginning placed tremendous emphasis on non-proliferation, there were those who said that the United States will try to make a breakthrough in the North Korean nuclear issue before holding this conference. But since North Korea in 2009 performed long-range missile launches and a nuclear test, much of the wind has gone out of the US-North Korea negotiations. Particularly after the 2nd nuclear test, the overriding international opinion has been that North Korean denuclearization will not be possible as long as the Kim Jong Il regime exists, and thus hope had dwindled for a resolution of the North Korean nuclear issue before



the 8th RevCon.

From early this year, North Korea has hewed to the position of “First a peace treaty, then denuclearization,” openly using its nuclear weapons as a card in its efforts to overturn the existing security structure on the peninsula and dampening US hopes for rapid denuclearization in North Korea. In contrast, global attention has been drawn to the issue of Iran’s denuclearization and the related task of establishing a nuclear-free Middle East, and that interest has extended to this 8th RevCon. From the international perspective, North Korea is already a lost cause, whereas there is still hope for stopping nuclear development in Iran. This attitude reflects the reality that, while the world has not given up on the North Korean nuclear issue, it recognizes that at this point it will be very difficult to resolve.

The statements related to North Korea agreed upon at the 8th NPT RevCon are significant in that they reflect the common position of 189 member nations regarding the North Korean nuclear problem. As this is the largest international gathering of nations to discuss this issue together since the North Korean nuclear crisis began, it is not only a historic judgment of the North Korea issue but also an important basis for finding a resolution. However, it does not appear likely that this conference’s result will have a real influence on the North Korean regime’s resolve to acquire nuclear weapons. The Final Document is not a legal obligation but a political agreement, and as such its binding power is weak. As a country which has withdrawn from the NPT, North Korea believes that it is not bound by the agreements of the NPT Review.

Hereafter South Korea must approach the North Korean nuclear issue with a mixture of “engagement” and “hedging.” They should devote their efforts to resolving the standoff through diplomatic means, making full use of the common position agreed upon in this Final Document. They need to negotiate more aggressively, backed by the total support of the NPT member nations. At the same time they should prepare a security plan considering appropriate security measures to deal with the nuclear threat they face from North Korea.

In a departure from previous RevCons, at this conference the importance of nuclear security was emphasized several times. As host country of the 2nd Nuclear Security Summit, South Korea must prepare for the Summit by reviewing in detail the nuclear security issues specified in this Final Document. The first Preparatory Committee for the 9th NPT RevCon in 2015 is expected to begin in 2012, and we will need to work to see that these two conferences held in the same year are closely linked to each other.

