

## Concept

# Korean Precedent

2.22.2007

## Definition

The concept “Korean Precedent” refers to the process of North Korea’s nuclear armament in defiance of international norms and *despite* the international community’s efforts to prevent it. This process threatens South Korea, a close American ally, and has the potential to serve as an example used by other countries, such as Iran, to justify their own efforts to acquire nuclear weapons.

## Background

The process of North Korea’s nuclear armament began in the mid-1980s.<sup>1</sup> Although North Korea joined the Non-Proliferation Treaty (NPT) (12/85), it soon violated NPT procedures on a regular basis until ultimately withdrawing (1/03).<sup>2</sup> Despite the international community’s attempts to prevent North Korea’s armament through diplomatic and economic means as well as US declarations of possible military action, North Korea eventually successfully tested a nuclear device (10/06). This act drew international condemnation but no tangible response.<sup>3</sup>

## Significance

### International Community’s Failure to Prevent Armament

Throughout North Korea’s nuclear armament process the international community sought to prevent North Korea’s armament and the consequent breach of international norms:

- **NPT procedures** – North Korea developed a nuclear weapon while it was a signatory to the NPT. Although it declared the existence of its Yongbyon nuclear facility to the International Atomic Energy Agency (IAEA) upon joining the NPT (12/85), non-compliance with NPT procedures was a constant issue until North Korea finally withdrew from the treaty (1/03).
- **Bilateral Diplomacy** – Diplomatic processes between North Korea and the US, and later between North and South Korea,<sup>4</sup> failed to prevent North Korea’s nuclear armament and eventually collapsed. Most significantly, the US and North Korea concluded several agreements

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<sup>1</sup> North Korea began operating facilities for uranium production and conversion, utilizing its own mines and some outside assistance from Russia. See “[North Korean Nuclear Weapons Program-Current Status](#)”, FAS, 9/16/06.

<sup>2</sup> North Korea threatened to withdraw from the NPT since 1994 and ultimately did so (1/03), becoming the only country ever to have withdrawn, permissible by the [Article X of the treaty](#). North Korea [claimed](#) its state security and national sovereignty were threatened by the US.

<sup>3</sup> Condemnation by the international community was nearly universal; In response, UN Security Council unanimously passed Resolution 1718 within a week (10/06) imposing economic sanctions on North Korea. See “[North Korea’s Nuclear Test: The Fallout](#)”, ICG, 11/13/06.

<sup>4</sup> In 1991, North and South Korea signed an [Agreement on Reconciliation, Non-aggression, Exchanges and Cooperation and the Joint Declaration on the Denuclearization of the Korean Peninsula](#). The Joint Declaration called for bilateral nuclear inspections to verify the denuclearization of the peninsula but eventually collapsed.

in 1993-94 culminating in the Agreed Framework<sup>5</sup> (10/94) to freeze North Korea's existing nuclear program and replace its graphite-moderated reactors with light-water power plants. However, the Agreed Framework unraveled when North Korean officials acknowledged (10/02) the existence of a clandestine program at Yongbyon to enrich uranium for nuclear weapons (discovered through intelligence in 1989).<sup>6</sup>

- **Multilateral Diplomacy** – Following the collapse of the Agreed Framework (10/02) and North Korea's withdrawal from the NPT (1/03), a Group of Six countries (North and South Korea, US, China, Japan and Russia) was formed to arrive at a political *modus vivendi*. The Group of Six met sporadically resulting in a number of joint statements but little concrete progress. Since 4/06, negotiations had essentially been deadlocked<sup>7</sup> until a recent break-through.<sup>8</sup> The deal's effect on ultimate North Korean disarmament is still unclear.<sup>9</sup>
- **Economic Incentives** – Since the 1980s, the US and other members of the international community offered economic aid packages as inducements to encourage North Korea to abandon its nuclear armament efforts.<sup>10</sup>
- **Security Council Resolutions** – Four UN Security Council resolutions addressed North Korea's armament.<sup>11</sup> Most recently, UNSCR 1718 (10/06) imposed an asset freeze, an economic boycott and a travel ban on persons connected to the nuclear program in response to North Korea's apparently successful underground test of a nuclear device.<sup>12</sup>
- **Military Threats** – Military threats by the US also failed to deter North Korea from continuing in its armament process (see "South Korean Benchmark" below), including US President George W. Bush's State of the Union address (1/02) citing North Korea as part of an "axis of evil."<sup>13</sup>

### South Korean Benchmark

<sup>5</sup> See [Agreed Framework between the U.S.A. and the Democratic People's Republic of Korea](#), 10/21/94.

<sup>6</sup> See "[U.S. and 2 of Its Allies Warn North Korea on Atomic Arms](#)", **NY Times**, 10/27/02, and "How to Deal with North Korea", **Foreign Affairs**, 03/03.

<sup>7</sup> A meeting (4/12/06) intended to persuade North Korea to return to talks failed to resolve the deadlock. Talks eventually resumed (12/06) but success was doubtful. See "[Dim Prospects for Six-Party Deal](#)", **CFR**, 12/19/06.

<sup>8</sup> Talks resulted in North Korean agreement to shut down its facility at Yongbyon and begin nuclear disarmament in exchange for fuel assistance. However, the question of North Korea's existing stockpile of nuclear material was left to be resolved at a later date. See "[North Korea - Denuclearization Action Plan](#)", **US State Department**, 2/13/07; and "[In Shift, Accord on North Korea Seems to Be Set](#)", **NY Times**, 2/13/07.

<sup>9</sup> See "[Pact With N. Korea Draws Fire From a Wide Range of Critics in U.S.](#)", **NY Times**, 2/14/07; "[Outside Pressures Broke Korean Deadlock](#)", **NY Times**, 2/14/07; and "[The N. Korean nuclear deal - Faces saved all round](#)", **Economist**, 2/15/07.

<sup>10</sup> For example, in the Agreed Framework, the US eased economic sanctions against North Korea, unfroze assets, allowed imports of raw materials, allowed participation of US companies in the light water reactor project. See "[North Korean Nuclear Weapons Program-Current Status](#)", **FAS**, 9/16/06.

<sup>11</sup> UNSCR 825 (5/93) related to North Korea's threatened withdrawal from the NPT; UNSCR 1540 (2/04) sought the regulation of the transfer of nuclear equipment and materials; UNSCR 1695 (7/06) addressed its development of ballistic missiles and its refusal to participate in six-party talks; and UNSCR 1718 (10/06) condemned the nuclear device test (available at [http://www.un.org/Docs/sc/unsc\\_resolutions.html](http://www.un.org/Docs/sc/unsc_resolutions.html)).

<sup>12</sup> "The Council prohibited the provision of large-scale arms, nuclear technology and related training... to prevent trafficking in nuclear, chemical or biological weapons" (**UN Dept. of Public Information**, 10/14/06).

<sup>13</sup> See "[The President's State of the Union Address](#)", **The White House**, 1/29/02.

The South Korean Benchmark refers to American commitment to respond to a threat against one of its allies or a country with whom it has shared interests.

In this case, North Korea's nuclear armament threatens South Korea, an American ally. Thus, in the midst of North Korea's armament (11/93), US President Bill Clinton laid down a firm benchmark by stating that if North Korea ever used nuclear weapons, "it will be the end of their country... Any attack on South Korea is an attack on the United States."<sup>14</sup>

### **North Korea – From Precedent-Setter to Facilitator**

Ultimately North Korea has successfully completed its nuclear armament process (10/06) despite the aforementioned efforts of the international community. Furthermore, the international community took no punitive action following North Korea's test of a nuclear weapon.

North Korea's nuclear armament as a *fait accompli* may serve as a model used by other countries, such as Iran, to substantiate similar actions.<sup>15</sup> While a signatory to the NPT, Iran has developed a secret uranium-enrichment program in apparent pursuit of a nuclear weapon.<sup>16</sup> Despite the international community's efforts to regulate and supervise it, Iran has remained defiant and threatened that it, too, would withdraw from the NPT.<sup>17</sup> In addition, the international community has had difficulty finding a way to prevent Iran's nuclear armament.<sup>18</sup>

Recently, North Korea is not only setting a precedent, but may be actively facilitating and accelerating Iran's drive for nuclear weapons. North Korea has agreed to help Iran conduct an underground nuclear test similar to the test carried out by North Korea in October 2006. In addition, North Korea agreed to share all technical data from their own test with Iran.<sup>19</sup>

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<sup>14</sup> See "[Clinton Warns North Korea Against Attack on the South](#)", **International Herald Tribune**, 11/08/93.

In the same fashion, US Senator Hillary Clinton has declared (12/06) that any offensive by Iran against Israel would result in a crushing military attack on Iran: "The Iranians understand that use of a nuclear weapon against Israel means the end of Iran, and it is unreasonable that they would choose to commit collective suicide." See Itamar Eichner, **Yediot Aharonot**, 12/18/06.

<sup>15</sup> Iranian Nuclear Chief Ali Larijani: "Pay attention to the conduct of North Korea. After two years of dealings with North Korea, what have you got? You have accepted North Korea's nuclear technology in the field of uranium enrichment. So accept ours now." **MEMRI**, [Special Dispatch Series - No. 994](#), 9/26/05.

See also *Kayhan* editorial: "North Korea has built a Nuclear Bomb before the American's eyes... Despite the great pressure it was under, and years of harsh international sanctions - and no one has managed to do anything."

<sup>16</sup> See "[Iran Is Described as Defiant On 2nd Nuclear Program](#)", **NY Times**, 4/25/06; and see "[Iranian Reactions to U.N. Sanctions Resolution 1737](#)", **MEMRI Special Dispatch Series - No. 1409**, 1/04/07.

<sup>17</sup> See "[Bracing for Penalties, Iran Threatens to Withdraw From Nuclear Treaty](#)", **NY Times**, 2/12/06; and interview with President Ahmadinejad, in which he warned that if Iran continues to be pressured it will consider withdrawing from the NPT ([The Hindu](#), 8/10/06).

<sup>18</sup> An EU report compiled by foreign policy chief Javier Solana concluded that Iran will be able to develop weapons-grade material for a nuclear bomb and little can be done to prevent it. The document admits the international community's failure to prevent Iran's nuclear program, saying it has only been delayed by technical problems, not diplomatic pressure. See "[Iran on course for nuclear bomb, EU told](#)", **Financial Times**, 2/12/07.

In addition, despite the fact that Iran was reported to the Security Council by the IAEA (2/06), President Vladimir Putin argued (12/06) that Iran, unlike North Korea, has not expelled nuclear inspectors, left the NPT or tested weapons and should therefore be dealt with gently ([Economist](#), 12/19/06). See also the Reut news analysis: [Nuclear Rogues: Iran v. North Korea](#). Furthermore, French President Jacques Chirac's comments (2/07) seem to imply that the international community is willing to accept a nuclear-armed Iran. See "[Chirac's Iran Gaffe Reveals A Strategy: Containment](#)", **NY Times**, 2/3/07.

<sup>19</sup> See "[N Korea helping Iran with nuclear testing](#)", **Daily Telegraph**, 1/24/07 and "[How the 'axis' seeks the killer missile](#)", **Washington Times**, 1/30/07.

End.