An East Asian Peace Zone for a Permanent Nuclear Solution

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Introduction

In South Korea, the issues of North Korean nuclear threat have mostly vanished from South Korean newspapers since the Sunshine Policy. Voices of alarmists have been overwhelmed by the euphoria surrounding the inter-Korean summit in June 2000. But this does not mean removal of the nuclear problems. Considerate watchers know that the problems have always been there like a dormant volcano.

An immediate question faced by South Korea is how to keep the Agreed Framework and the KEDO project going. Controversies over whether or not to continue the KEDO project were raised by the Republican politicians in the Bush administration. During the spring of 2001 the Bush administration appeared to be really mulling over replacing the two light water reactors being constructed in North Korea with thermal power stations. They came up with legitimate reasons not to give North Korea the reactors: insufficient electrical grid, lack of off-site electricity and other safety facilities, the North's delay in providing the IAEA with full transparency, and the possibility using the plutonium for military use in the future, to mention a few. Nevertheless, the problems are not new. Many conservative North Korea watchers including this author both in Seoul and Washington pointed out them before and after the signing of the Agreed Framework.[1] If the US decides to demand non-nuclear alternative to the KEDO reactors or an outright delay of the project, the relations among Washington, Seoul, and Pyongyang are headed for stormy weather. It will not only heighten the U.S.-DPRK tension but also aggravate the ROK-US discord and hamper the inter-Korean peace process. No matter how problematic it may be, it is already too late to revise the Agreed Framework particularly when South Korea and Japan have spent over $500 million.

A short-term question imposed on South is how to build an inter-Korean inspection regime. It may mean a reinstatement of the North-South Joint Nuclear Control Commission (JNCC) system that went aground in 1993 or a establishment of a new system from the scratch. Undoubtedly, the history of the creation and operation of the Brazilian-Argentine Agency for Accounting and Control of Nuclear Material (ABACC) should be a precious lesson despite the difference in geopolitical setting between Latin American and the Korean peninsula. This is an important, and possibly urgent, question because the nuclear matters should emerge sooner or later in the course of the inter-Korean reconciliation and the North's improvement of its relations with previously standoffish western countries.

However, there is a long-term question left attended. Foreign experts as well as domestic technicians tend to look to "how to make North Korea abide by the rules" taking South Korea's full compliance to them for granted. What they do not care is the quality of the rules and the quality of peace they aim at. Currently, South Korea's unilateral 'Denuclearization Declaration' in November 1991, the Inter-Korean Joint Declaration on Denuclearization of the Korean Peninsula signed by the two Koreas on December 1991, and the 1994 Agreed Framework constitute a nonproliferation

regime controlling the nuclear matters in both Koreas. By it nature, it is a US-initiated regime that deals with nonproliferation imperatives of both Koreas. By the two declarations the two Koreas renounced possession of nuclear weapons and promised not to own enrichment and reprocessing facilities. By the Agreed Framework and the confidential minutes attached to it, the US ensured a rein over North Korea's nuclear activities. Of course, it cost annual supply of 500,000 tons of HFO and the KEDO reactors. Now the foreign watchers continue to ask "How to make North Korea live up with the nonproliferation regime?" but without questioning the discriminative nature of the regime that requests unilateral sacrifice on the part of South Korea or about threat posed by other North Korean WMDs such as bio-chemical weapons and missiles. What they also do not care about is the conflict between Agreed Framework and the Joint Declaration. While the latter graphically prohibits North Korea from reprocessing, the former actually allows the North to violate the latter by delaying dismantling of the so-called 'radiochemical laboratory' until the completion of the KEDO project.[2]

The purpose of this paper is to deal with the long-term question while leaving the debates on the immediate and short-term questions to the technicians. While not intending to underestimate importance and urgency of the first two questions, this paper limits its purpose to give a single message: If nations really want a permanent nuclear peace on and around the Korean peninsula, it is time to rethink over credibility and sustainability of the current nonproliferation regime. Given the discriminative nature of the current nonproliferation regime and the diversity of threat, what is truly needed is a East Asian Peace Zone (EAPZ) as a *de facto* WMD- free zone that covers broader area with equal conditions. Surely, it is a long-term goal. But it is time to think it over.

Problems of the Current Regime

A nuclear weapon-free zone covering the Korean peninsula and surrounding area is of course an idea one can immediately think about as a nuclear solution. Actually a great deal of debate was conducted in that direction. Since Khrushchev suggested a NFZ in East Asia in 1959, the NFZ debate has been conducted largely on a non-governmental basis. For example, in 1972 Alan Whiting suggested the elimination of all nuclear weapons within a 2400km radius of Tokyo that was followed by William Cunningham's suggestion of a NFZ in 1975 that included the Korean peninsula and six other East Asian nations. Later, Professor Kumao Ganeko of Tokai University in Japan suggested a NFZ covering an area within a 2000 km radius of Panmunjum.[3] However, most of the debate has been sporadic and academically insignificant. More recently, Professor John E. Endicott of the Georgia Institute of Technology came up with the idea of a 'Limited Nuclear Weapon-Free Zone for Northeast Asia (LNWFZ-NEA)' in 1991 and has held track-II international conferences on that issue. Endicott's idea is to declare a NFZ for the 3,000 mile-long elliptical zone between Taiwan and Alaska.[2]

On a governmental level, a NFZ for the Korean peninsula was first brought up in August 1976 by North Korea at an international conference. When North Korea proposed a Korean NFZ in 1991, what it aimed at was the removal of all U.S. nuclear weapons from South Korea and prohibiting access of U.S. nuclear weapons to the Korean peninsula, thus neutralizing the American nuclear umbrella toward South Korea. This was clearly manifested when North Korea suggested in 1991 a NFZ that bans the entrance, passage, and introduction of nuclear weapons of a third country. This was rejected by both South Korea and the United States. South Korea wanted to maintain the U.S. nuclear umbrella while the U.S. wanted full nuclear options for its own global strategy. What the

U.S. suggested and carried through in the negotiation with North Korea was a Japanese model in which entrance, passage, and introduction of US nuclear weapons are subject to US-Japan consultation. This was followed by the Seoul government's 'Denuclearization Declaration,' withdrawal of the US nuclear weapons from South Korea, and the inter-Korean Joint Declaration on Denuclearization of the Korean Peninsula. By this, the US acquired tools for enforcing nonproliferation objectives toward both Koreas while accessibility of nuclear weapons to the region was still ensured. North Korea ensured the removal of U.S. nuclear weapons and chances for economic assistance from the US. In the mean time, a Japanese model that did not ban the entrance of nuclear weapons of a third country meant a continued effect of U.S. nuclear umbrella for South Korea. This was all South Korea acquired in the deal. This is how a travesty of nuclear weapon free zone came into being on the Korean peninsula.

From a South Korean perspective the current nonproliferation regime is riddled with problems. First, the current regime discriminates the Korean peninsula in favor of the surrounding countries by requesting denuclearization on the peninsula only. Unlike the two Koreas for which both nuclear weapons and possession of enrichment and reprocessing facilities are forbidden, all other nations are allowed to do what they have done. At best, for example in case North Korea complies with the regime or unification is achieved, the regime would perpetuate the non-nuclear status of the Korean peninsula and render it surrounded by powerful nuclear weapon states like China and Russia as well as a technologically advanced Japan with unfettered right to cultivate its nuclear potential. No South Korean would see this as a future-oriented option for the Koreans though for the surrounding countries a device that helps keep the two Koreas or a united Korea from nuclearization would always means a boon.

Second, judging from the consequences, the regime has discriminated South Korea in favor of the North by effectively shackling South Korea but allowing the North to violate or bypass it. North Korea's plutonium transparency is still questionable despite the 'no reprocessing' article of the Inter-Korean Joint Declaration whereas the Agreed Framework is not effective in illuminating and eliminating North Korea's 'past bombs.'[5] Regarding the nuclear safeguards the Agreed Framework provides that North Korea will accept steps that may be deemed necessary by the IAEA before the delivery of key components of the LWRs. This was a *de facto* deferment of special inspection, key to the illumination of past bombs, as the installment of key parts of the reactors usually takes place in 5-6 years after groundbreaking.[6] The regime has done nothing to curb the North's missile development, either. Daepodong missiles which demonstrated 6,000 km of flight distance in the 1998 test-firing was added to North Korea's already formidable missile forces[7] while South Korea's missile development has been suffocated by the ROK-U.S. Missile Note.[8] North Korea's missiles are known to be nuclear-capable and the hermit kingdom has also pursued other kinds of weapons of mass destruction. It is believed to possess at least 1,000 tons of chemical weapons while vigorously developing biological weapons.[9] Clearly, this means an inter-Korean strategic imbalance or South Korean insecurity as well as Japan's vulnerability to the North's WMD capability. Put differently, North Korea's nuclear weapon program, still shrouded with secrecy, has successfully accumulated scandals and suspicion to the extent that the nation can implement a nuclear strategy akin to Israel's 'strategy of ambiguity.' Now South Korea is hopelessly exposed to North Korea's initial use of WMDs such as chemical-biological weapons and nuclear arms if any.[10] This remains true even though possibility of use of the WMDs has decreased significantly owing to the inter-Korean reconciliation since the June summit.

Third, the current regime evokes inequality between South Korea and Japan. Compared to South Korea that should not enrich uranium or reprocess spent fuel, Japan now boasts a panoply of advanced nuclear facilities including high-tech enrichment, reprocessing, fast breeder reactors, to list a few. Japan has been stockpiling plutonium for the purpose of plutonium recycling and the amount is known to be more than 20 tons. Japan was able to obtain such independence in peaceful use of atomic industry through its diplomatic successes toward the US one of which was the revision of the Agreement for Cooperation Concerning the Peaceful Use of Nuclear Energy negotiated with the Reagan administration in 1988. Under the revised agreement Japan now needs only one-time US approval for plutonium storage for a thirty-year use plan, compared to the previous obligation to gain US approval batch-by-batch for the right to reprocess US-origin uranium fuel.[11] Such a disparity may awake South Korean suspicion regarding the military potential of atomic industry and is by no means advisable for stable Japan-South Korea relations.

Fourth, the banning of reprocessing and enrichment for South Korea inflicts enormous economic and technological losses'[12] while the Missile Note has effectively shackled the nation's civilian rocket industry. By abandoning enrichment rights, South Korea has lost the access to domestically produced nuclear fuel. By giving up reprocessing, it has lost second and third nuclear fuel cycles that enable the recycling of nuclear resources and production of isotopes. There is no way for South Korea to dispose of spent nuclear fuel other than to shelve in storage pools in each nuclear power station while most of them are nearing saturation. It is in this context that some South Korean experts assert that to impose an once-through nuclear fuel cycle on South Korea is an outrageously unfair act while the banning of enrichment and reprocessing for North Korea would not inflict any harms to it since the nation has no commercial electricity-producing reactor.

Fifth, the inter-Korean strategic imbalance precipitated by the discriminative nature of the regime has hampered dialogue between the two Koreas though it was not much debated. By rendering South Korea void of any effective leverage vis-a-vis the North, North Korea does not have strong motives to engage the South. From time to time, it has shown the inclination to stick to the 'engage the U.S. and isolate the South' policy. While South Korea had to watch as a bystander the U.S. talks over nuclear and missile issues, the North attempted to neutralize the 1953 Armistice Agreement by arguing for a direct DPRK-U.S. peace treaty and requesting a direct talks with the U.S. for withdrawal of the U.S. forces from the South. Such disrespectful North Korean attitude has irritated hard-line conservatives in the South who in turn condemn the Seoul government's appeasement policy towards the North, thus worsening the matter. Precisely speaking, the U.S.-initiated nonproliferation regime on the Korean peninsula has functioned toward two directions simultaneously with its double standards: It both encourages and discourages inter-Korean dialogue. On the one hand, by stipulating the necessity of inter-Korean dialogue in the Inter-Korean Joint Declaration and in the Agreed Framework, the regime officially supports the dialogue. But by failing to remove the North's WMD leverage and by stripping the South of strategic leeway, it also retards the dialogue.

Conditions for EAPZ

More debate on Nuclear Weapon Free Zone will continue in the future. Surely, it, if achieved, will not harm South Korea. Given the discriminative nature of the current regime particularly to the disadvantage of South Korea, however, any NWZ that simply suggests geographical expansion of the zone would be meaningless to South Korea. Simultaneously, given the diversity of

threats posed by WMDs other than nuclear weapons, suggestion of any new regime that deals only with nuclear weapons may be equally meaningless. For example, Andicott's idea of a 'Limited Nuclear Weapon-Free Zone,' largely focusing on an enlargement of the banning zone only for nuclear weapons is not likely to be impressive to South Koreans. What East Asia truly needs, therefore, is an East Asian peace zone with three major requirements, i.e., comprehensiveness, binding force, and a non- discriminatory nature. It is axiomatic that a regime in which a particular signatory harbors grievance toward it cannot be politically sustainable. Given the built-in problem of the current Korean nonproliferation regime and considering the experience of the Treaty of Tlateloco, the Treaty of Ralotonga, the Treaty of Pelindaba, and the Treaty of Bangkok, a regime that East Asia eventually needs should an East Asian Peace Zone (EAPZ) that fulfills following conditions.

- **Geographical Coverage**: It should cover all land and sea in the circular zone within a 2,000km radius from Panmunjum and Mongolia. The zone will then include the two Koreas, Japan, Taiwan, part of Russian Siberia, one third of China, and Mongolia. It would be unrealistic to expand the zone to 3000km radius since it would include nearly half of China as well as Petropavlovsk and the Sea of Okhotask Russia considers as strategically crucial.

- **Member Nations**: The treaty of EAPZ must include as signatories eight nations: South Korea, North Korea, Japan, Taiwan, Mongolia, China, Russia, and the United States. For the U.S. with its troops in Japan and South Korea, it is advisable to join as a official signatory.

- **Prohibition of Nuclear Weapons and Testing**: Manufacturing, possession, introduction, testing, deployment, and use of nuclear weapons as well as all nuclear explosions including peaceful nuclear explosion (PNE) should be banned within the zone. Accordingly, Russia must remove its nuclear weapons in Chita and its nuclear-armed submarines from Vladivostok to elsewhere. China should also remove its nuclear arms within the zone. Any nuclear weapons, weapon parts ready to be assembled, and all other materials illegally stored for the purpose of nuclear weapon manufacturing should be dismantled. All signatories should be the parties to the NPT.

- **Prohibition of Chemical and Biological Weapons**: Manufacturing, possession, introduction, testing, deployment, and use of all kinds of chemical and biological weapons should be banned within the zone. All chemical and biological weapons or materials illegally stored for the purpose of weapon manufacturing should be eliminated. All signatories should join the Biological Weapon Convention (BWC) and Chemical Weapon Convention (CWC).

- **Negative Security Assurance and Positive Security Assurance**: All nuclear weapon signatories should guarantee the non-use of nuclear weapons. All the nuclear weapon signatories should guarantee the non-use of all chemical and biological weapons to non-nuclear signatories in any situation. However, a nuclear signatory can use nuclear weapons against a non-nuclear state that uses WMDs illegally stored against another non-nuclear signatory allied with the nuclear weapon state. The U.S. nuclear umbrella toward South Korea and Japan should be preserved through this arrangement. If China and/or Russia want to provide a nuclear umbrella toward North Korea in a similar way, it should be accepted as well.

- **Missile Control**: Manufacturing, possession, introduction, testing, deployment, and use of military missiles with ranges longer than a certain distance must be banned within the zone.

All signatories should join the MTCR. However, development of civilian rockets should be allowed provided that it is pursuant to the verification procedures to be established as an integral part of the EAPZ treaty.

- **Control of Poisonous Wastes**: Sea disposal of nuclear and other poisonous wastes should be banned. Disposal on ground or emission into the air of such wastes must be carried out in accordance with the procedures to be established as an integral part of the EAPZ treaty. An immediate outcome of the treaty, therefore, will be the banning of the disposal of Russian nuclear wastes in the Sea of Japan.

- **Innocent Passage**: The right of innocent passage within the zone should be guaranteed as much as possible under international law.

- **Non-discrimination in Non-Military Use of Nuclear Energy**: In any case there should be no discrimination among signatories in the peaceful use of nuclear energy. For example, enrichment, reprocessing, research and manufacturing of MOX fuel and Tandem Recycling, etc., must be allowed under the safeguards provided by the treaty.

- **Multinational Atomic Cooperation Organizations**: Establishment of the ASIATOM (Asian Atomic Cooperation Organization) or NOPACO(North Pacific Atomic Cooperation Organization) as a multinational organization for atomic cooperation should be a part of the treaty. The organization, in charge of promoting nuclear cooperation among member nations and implementing nuclear transparency, will operate common assets, undertake all verification activities including mutual inspections, and engage in collective negotiations in the atomic market. Russia, China and Japan should donate to the ASIATOM some of their nuclear facilities including enrichment and reprocessing facilities as the common assets to be operated by the ASIATOM.

- **Safeguards and Inspections**: All facilities and material within the zone related to manufacturing, possession, introduction, testing, deployment, and use of weapons of mass destruction should be subject to the full-scope IAEA safeguards and mutual inspections. To this end, the ASIATOM should establish procedures for such inspections and organize a joint inspection team composed of inspectors dispatched by each signatory state.

- **Other Agreements**: All other declarations, agreements and treaties conflicting with the contents of the EAPZ treaty should be abolished or revised.

- **Binding Force**: The treaty should be binding both legally and politically. By stipulating punishment actions in full detail such as suspension of aid, trade disadvantages, and diplomatic sanctions, etc., the treaty should be able to prevent any breaches. Such a binding force should be equally effective toward nuclear weapon states as well. The British violation of the Treaty of Tlateloco during the Falklands War should be taken as a lesson.

- **Protocols**: The EAPZ Treaty must have protocols to ensure the ‘no first use’ of WMD by the outside powers such as the U.K. and France. In addition, it would be worthwhile to consider demanding the participation of de facto nuclear states like Israel, India, and Pakistan in the protocol.

Of course, prospect for such a encompassing regime covering East Asia will be dim. First of all, deep distrust among nations deserves immediate consideration. In addition to the time-old animosity and suspicion between the two Koreas, North Korea's countless breaches of what has been agreed and its deceitful actions are more than enough to evoke distrust from neighboring countries. Its failure to guarantee nuclear transparency despite the Agreed Framework is only one example why the US and Japan are unwilling to trust North Korea. Simultaneously, Japan is also the object of distrust by the two Koreas. It is not only that Japan's up-to-date atomic industry and its military potential is now the object of both suspicion and envy, but also that the nation's plutonium storage and other incidents like the mysterious disappearance of 70 kg of plutonium at the Tokai reprocessing plant in 1995 added fuel to that suspicion. Such suspicion is further fueled by Asian nations' die-hard antagonism against Japan's past colonialism and their resentment over Japan's history distortion.

To create a peace zone in East Asia may be like chasing an *ignis fatuus*. A multilateral negotiation, if any, is likely to flounder into a morass owing to complexity of the competing interests among nations. Nevertheless, the starting point should be the fact that the current nonproliferation regime is unfair. If an ENPZ satisfying the above conditions replaces the current regime, it would not only contribute to the removal of immediate WMD threat from North Korea but also serve a lasting peace system that the countries in the region have long aspired. No matter how questionable its feasibility may sound, the idea about EAPZ deserves serious consideration if countries truly want a lasting nuclear peace. Brazil and Argentina's experiences are not irrelevant to this long-term task.

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[1] For more discussion see: Taewoo Kim, "The US-DPRK Nuclear Rapprochement in the South Korean Dilemmas" *Third World Quarterly* (November 1995), p. 661-674; "The Geneva Accord and Its Pitfalls," in Taewoo Kim and Selig Harrison ed., *Dealing With the North Korean Nuclear Problem* (Seoul: Hanul Publishing Co., 1995).

[2] For more details, see Seongwhoon Cheon, "Revisiting North Korea's Nuclear program: Reflections and Lessons for the Future," a paper to be published in *the Korean Journal of Defense Analysis* (Summer 2001) to be published in August 2001.

[3] Kumao Kaneko, "Japan Needs No Umbrella," *Bulletin of the Atomic Scientists* (March/April 1996), pp. 46-51.

[4] The Bordeaux Protocol of the Limited Nuclear Weapons Free Zone for Northeast Asia (Georgia Tech Research Corp., March 1997), pp. 6-11, 63.

[5] They are referred to the nuclear bombs, bombs ready to be assembled, parts of nuclear bombs, or weapon grade material North Korea may have produced before the first IAEA inspection in spring 1992.

[6] Agreed Framework, ¥³-3.

[7] For full analysis of North Korea's missile power see: Taewoo Kim, "South Korea's Missile Dilemmas," *Asian Survey* (May/June 1999), pp. 486-503.

[8] The Missile Note was delivered by South Korea in 1979 and was redrawn in 1990 and 1991. In 2001 the US and South Korea agreed to extend the upper limit of ranges of South Korean missiles up to 300 km.

[9] For more details, see Sung-Tack Shin, "Threat Underlying North Korea's Weapons of Mass Destruction," *Quarterly Journal of Defense Analysis* (Korean), 41 (Spring 1998), pp. 209-246.

[10] Taewoo Kim, South-North Missile Gap" Korea Herald, April 22, 1999; "Daedly NK missiles can hit Seoul in 45 seconds," *Korea Post*, 12-5 (May 1999). pp. 26-27.

[11] For more discussion on Japan's nuclear potential, see Taewoo Kim, "Japanese Ambitions, US Constraints, and South Korea's Nuclear Future," in Selig Harrison ed., *Japan's Nuclear Future* (Carnegie Endowment Book, 1996), pp. 87-109.

[12] Through numerous writings this author argues that South Korea needs to regain 'peaceful nuclear sovereignty.' It is referred to a sovereign state's right for non-military use of nuclear technologies. See for example, Taewoo Kim, "South Korea's Nuclear Dilemmas," *Korea and World Affairs*, Vol. XVI No.2 (Summer 1992), pp. 250-193; "South Korean Patience Wearing Thin," *Bulletin of the Atomic Scientists* (September/October 1995), p. 3.

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