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VERIFYING A NORTH KOREAN COMMITMENT TO NONPROLIFERATION

Known cases of DPRK proliferation

- Syria
- Iran
- Myanmar (Burma)
- A.Q. Khan and Libya
- Selling nuclear dual use items, such as nuclear grade graphite?

Lessons and findings

- ◎ North Korea has a long history of subterfuge in proliferating to other countries and conducting illicit nuclear trade to outfit its own facilities.
- ◎ Techniques:
 - Creation of procurement and sales entities able to manage smuggling networks;
 - False descriptions and mislabeling of container contents;
 - Falsification of manifests covering shipments;

⦿ Techniques continued:

- Alteration and falsification of information concerning original consignor and ultimate consignee;
- Diversion of cargo;
- Multiple layers of intermediaries;
- Shell companies; and,
- Hidden payments.

Defining a commitment not to proliferate

- ◎ Step 1: Establish statement.
 - October 3, 2007 Six Party agreement states North Korea will not transfer “nuclear materials, technology, or know-how.” This clause is incomplete.
 - This clause should be replaced by something more likely to catch the range of sensitive items that North Korea could proliferate to a state, company or other entity. The language should clearly include nuclear facilities, nuclear and dual-use goods, and the means to make such equipment or facilities.

- A broader, more effective statement:
 - *North Korea agrees not to transfer to any state or entity whatsoever, or in any way help a state or entity to obtain, nuclear weapons or explosive devices, or components of such a system; nuclear material; nuclear know-how or technology; equipment, material goods, or technology designed for, prepared for, or that can contribute to the processing, use or production of nuclear materials.*

- ◎ Step 2: Define a commitment not to conduct illicit trade
 - North Korea should agree not to outfit facilities that would support its banned nuclear programs or to conduct illicit trade to outfit other countries' nuclear programs.

Verification approaches

- ① Verifying nonproliferation and nontrafficking pledges is difficult to do and virtually unexplored.
- ① However, verifying a North Korean nonproliferation pledge will strengthen the effort to verify North Korea's declaration and dismantlement of its nuclear weapons programs.

◎ Identify banned goods

- Parties must specify what North Korea is banned from transferring or procuring.
 - Existing Security Council resolutions, the sanctions committee, and the UN Security Council Panel of Experts have identified goods that could be constituted into a list of goods that North Korea cannot transfer.
 - Some additions and perhaps exceptions for civil nuclear activities may need to be added to the list.

⦿ Verification Organization Tasks:

1. Verify clauses in new resolution covering a ban on proliferation;
2. Evaluate reports from member states about continuing prohibition of exports of items to North Korea;
3. Take on alleged violations;
4. Determine on an ad hoc basis additional materials, goods, technologies, and entities to add to the list of banned items; and,
5. Report conclusions to the Security Council on a regular basis.

◎ Panel of Experts

1. Receive member state reports;
2. Conduct interviews;
3. Examine seized goods;
4. Publish an annual report to assess North Korean compliance with its obligations and the effectiveness of the verification regime; and,
5. Submit reports to the Verification Committee and Security Council

Other measures

- Role of Member States to provide information
 - Member states would play a critical role in detecting noncompliance.
 - Detect suspected illicit trade by North Korea.
 - Must be proactive and timely in sharing sensitive information.

- ◎ Domestic North Korean controls
 - North Korea should establish an export control agency to enforce legislation.
 - Experts from the United States, China, Russia, and perhaps Japan and South Korea would assist in developing effective methods to implement the legislation.

Conclusion

- North Korea's commitment to nonproliferation will play an integral role in any verified dismantlement process.