

**The Non-Proliferation Treaty and the withdrawal of North- Korea
from the Treaty in 2003**

By

Dr. Th. Siamkhum

Associate professor

Churachandpur college

Churachandpur, Manipur

It was in 1965 that the Geva Disarmament conference was held with the aim to conclude a treaty on nuclear disarmament. The drafting of the terms of the treaty on nuclear disarmament was completed in 1968. On July 1 1968, the Treaty on Non Proliferation of nuclear weapon (NPT) was opened for signature which subsequently came into force on March 5 1970, with 43 parties, including three of the five nuclear weapon states, the Soviet Union, UK, and the USA. The Treaty has three pillars; which are:

The treaty has three pillars which are, Non-Proliferation, Peaceful uses and Disarmament.

- 1. Non-Proliferation**
- 2. Peaceful uses**
- 3. Disarmament**

Under the Non-proliferation pillar, nuclear weapon states pledge not to transfer nuclear weapons or other nuclear explosive devices to any recipients or in any way assist, encourage or induce any non nuclear weapon state in the manufacture of nuclear weapon. This is a pledge given by nuclear weapon states to prevent the spread of nuclear weapons. On the other hand, the non-nuclear weapon states, pledge not to acquire or exercise control over nuclear weapon or other nuclear explosive devices and not to seek or receive assistance in the manufacture of such devices. Again, under Article III of the Treaty, non-nuclear weapon states pledge to accept International Atomic Energy Agency (IAEA) safeguards to verify that their nuclear activities are limited to peaceful uses.

A provision under Article IV allowed non-nuclear weapon state to develop nuclear energy. In other word, all parties to the Treaty, both nuclear weapon and non-nuclear weapon states to pursue the capability to develop nuclear energy for peaceful use on the condition that the sites of their nuclear activities should be opened to inspection by IAEA. Under this Article, cooperation among nuclear and non nuclear weapon states, could be permitted so long as the nuclear activities of the concerned states could be inspected; and so long as the IAEA certifies that such nuclear activities are limited to peaceful purposes.

Under the pillar of Disarmament, (Article VI) all parties to the treaty undertake to pursue good-faith negotiations on effective measures relating to cessation of the nuclear arms race, to nuclear

disarmament, and to general and complete disarmament. Under this Articles, all parties, both nuclear and non-nuclear weapon states are to pursue the goal of disarmament, including nuclear; and to this end, good-faith negotiations are to be carried on between and among member states.

Of all global disarmament mechanism, NPT is said to be the most successful initiatives for disarmament. While initially, the Treaty was for a period of 25 years, but, it was extended initiatively indefinitely. Regarding membership, initially there were 43 members, but in due course, the membership has grown to 190 more than 4 time of the original membership. It is, so far, the most widely adhered to non-proliferation or arm control agreement in history. But out of 190 members of family of nations, only three states, India, Pakistan and Israel had never join the Treaty.

The NPT is the only internationally binding agreement that provides a global barriers to the spread of nuclear weapons. The success of the Treaty could be seen in that, while initially, it was predicted that some 20 to 30 states will procure the weapons within 20 Years, but quite contrary to the prediction, with the exception of no-member states, India Pakistan and Israel; and the withdrawal of North- Korea from membership of the Treaty in 2003, not a single nation, a part from the Five declared weapon states, acquire the weapons in violation of the Treaty.

However, there was a serious setback in 2003, when North-Korea announced its withdrawal from the membership of the Treaty. North-Korea ratified the Treaty on 12 December, 1985, and consequently, became a party to the Treaty. But on January 10, 2003 it gave notice for its withdrawal from the Treaty. Even before its withdrawal, North-Korea was believed to have started its weapon programme. Alleging that North-Korea was illegally enriching uranium for making nuclear weapons, USA stopped fuel oil shipment under the agreed framework which had resolved plutonium weapon issue in 1994. The withdrawal became effective from March 12, 2003. Consequently, on February 10, 2005, North-Korea publicity announced that it possessed nuclear weapons and pullout of Six Party Talks hosted by China to find a diplomatic solution to the issue. A foreign ministry statement of North-Korea said regarding the issue, "we had already taken the resolute action of pulling out of the Nuclear-Non-proliferation Treaty and have manufactured nuclear arms for self-defence to cope with the Bush administration's evermore undisguised policy to isolate and stifle the DPRK (Democratic People's Republic of Korea). On September 19, 2005, North-Korea announced that it would agree to a preliminary accord. Under which, North-Korea would scrap all of its existing nuclear weapons and nuclear weapon facilities, rejoin NPT, and re-admit IAEA inspectors. The difficult issue of supplies of light water re-actors to replace North-Korea's indigenous nuclear power plant program, as per 1994 Agreed Frameworks, was left to be resolved in future discussions. On the next day, i.e 20 September, 2005, North-Korea re-

iterated its known view that until it is supplied with a light water reactor, it will not dismantle its nuclear arsenals or rejoin NPT. Consequent upon, North-Korea foreign minister announced that, his country was planning to conduct nuclear test in future Barely seven days after this announcement, i.e on October 9, the US Geological survey detected a magnitude 4.3 seismic event, 70km north of Kimchak, North-Korea, indicating a nuclear test. On the following day, North-Korea officially announced that they have successfully conducted under-ground nuclear test.

Regarding development in nuclear technology, it was in 1950s that Soviet Union had given assistance to North-Korea to develop nuclear technology. Soviet Union and North-Korea signed several agreements. In 1959, Soviet Union agrees to supply North-Korea with a research reactor; and to assist North-Korea in the development of a nuclear research centre. In 1960s, North-Korea, actually received the research reactor, and construction of the Yongbyon Nuclear Research Complex was under way.

North-Korea, in 1970s strengthened its indigenous capabilities which include, upgrading of research reactor and construction of a university based experimental nuclear facilities. During the later part of 1970s North-Korea started work on experimental 5MW(e) reactor at Yongbyon and during the early period of 1980s, North-Korea had within its border all things necessary for indigenous nuclear program; expertise, ie trained scientist on nuclear physic, and engineers; their our supplies of natural uranium; and experience in building and operating nuclear facilities. Within 1980s they began to build their own 50MW(e) and 200MW(e) reactor which eventually became operational before the end of the decade.

Experts are divided on North-Korea's nuclear issue; while some believe that North-Korea had started its nuclear programme right from its inception as a nation, some other believe that North-Korea might have started its nuclear programme during 1970s. However, two points are important here; North-Korea nuclear programme is not a recent phenomena, but it is a long standing issue beginning only few years after the founding of the country itself, i.e. in the middle of 1950s. During the initial period of its nuclear programme, it was assisted by Soviet Union. However, it eventually started to develop its indigenous capabilities. As of now, North-Korea has everything it needs for the development and manufacture of nuclear weapons.

The emergence of North-Korea as a nuclear capable state has raised alarm around the world. Its nuclear activities are closely monitored by USA, and there was a growing pressure on North-Korea to participate in the international agreements that deal with civilian nuclear programme. Soviet Union wanted the research reactor to be safe-guarded under the inspection of IAEA. Accordingly, North-Korea

joined IAEA in 1974 and under the growing pressure, of international community including its traditional allies, China and Russia, it reluctantly signed NPT and become a party to the Treaty in 1985.

North-Korea, after signing nuclear safe-guard agreement with IAEA in 1992, allowed IAEA inspectors to inspect and verify the nuclear activities of the country. At first, the inspection activities of IAEA went smoothly; but eventually, the IAEA inspectors identified significant discrepancies between North-Korea's initial declaration, and analysis of the informations collected through inspections. The agency asked its inspector to visit and collect sample from two waste sites, so that discrepancies could be resolved. But, the inspectors were denied entry into the sites, thereby, violating the term of agreement with IAEA.

Inspite of pressure from different quarters to allow the IAEA inspector to inspect its nuclear activities, North-Korea persistently refused to co-operate with the inspectors. Consequently upon, North-Korea announced in March 1993, that it is planning to withdraw from NPT in three months time as allowed by the Treaty under Article X(1). However, following discussion between USA and North-Korea on the issue, North-Korea suspended the effectuation of their withdrawal from the Treaty.

However, North-Korea continued to disallow IAEA inspector to inspect the nuclear sites of the country, and the situation resulting from disagreement between North-Korea and IAEA deteriorated such that, by March 1994, IAEA withdraws inspectors from North-Korea. The US was taking the matter seriously and it was even contemplating military action on North-Korea. But, the crisis could be defused for the time being through the intervention of President, Jimmy Carter. Discussion between USA and North-Korea continued resulting into the creation of Agreed Frame Work in the fall of 1994.

The Agreed Frame-work

As per the Agreed Frame-work, the US with South-Korea and Japan would, help North-Korea, to build two light water reactors, in exchange for freeze of all nuclear activities by North-Korea. It was agreed that the IAEA would be allowed to inspect North-Korea's nuclear sites and the consortium led by US would supply fuel oil to North-Korea.

However, Agreed Frame-work suffered a serious setback with North-Korea continued refusal to allow inspectors to verify its nuclear activities. USA, in the meantime, received a report that North-Korea was doing enrichment of uranium for use in the manufacture of nuclear weapons, USA, accordingly, suspended supplies of fuel to North-Korea. Disagreement between the concerned parties persisted without a sign of possible solution. As North-Korea continued enrichment of uranium, it finally announced its withdrawal from the NPT saying, it could "no longer be bound" by NPT".

The Six-Party Talks

However, as pressure was mounting on North-Korea to start negotiation with parties concerned to resolved the vexed nuclear issue of North-Korea, the so called the "Six-Party Talks" was initiated in which North-Korea, US, China, Russia, Japan and South Korea are the members. The Six-Party Talks went on without much visible progress. In the meantime, in 2005, North-Korea announced that it has nuclear weapons, and is a nuclear weapon state, and said that it had nuclear weapons and would no more participate in Six-Party Talks because of the hostile policy of USA towards North-Korea.

Inspite of North-Korea's announcement of having nuclear weapons, negotiation could, somehow, be continued resulting in agreement, according to which, North-Korea would abandon all its nuclear weapon programs; and return to NPT, and to safeguards. On the other hand, USA affirmed that it has no nuclear weapons in Korean Peninsula, and has no intention to attack or invade North-Korea, whatsoever, with nuclear or conventional weapons. In addition, North-Korea maintained that it has the right to peaceful uses of nuclear energy. The other parties to the Talks expressed their respect and agree to discuss, at an appropriate time, the subject of provision of light water reactor to North-Korea.

The Talks, once again, suffered a setback soon after US signaled its intention to sanction a Macao based bank for money laundering and its dealing with North-Korea. North-Korea, on its part said that it would not abandon its weapon program as long as their Banco Delta Asia funds remained frozen.

In the meantime, North-Korea progressively pursued its weapon program and conducted its first nuclear test in, 2006. The test was globally condemned, including UN Security Council which passed a resolution 1718, denouncing the test and calling for sanctions and embargoes on some goods and equipments. The resolution was passed under Chapter VII of the United Nation Charter.

China, on its part, announced an agreement among the parties to resume the Six-Party Talks once again; and with the restart of the Talks, agreements were reached which led to significant change. North-Korea, accordingly closed and started dismantling its nuclear facilities with verification by IAEA inspectors. Other parties to the Talks began supplying fuel oil to North-Korea and the frozen funds at Banco Delta Asia returned to North-Korea. The US, on its part, positively responded North-Korea's good gesture by removing it from the list of "State Sponsors of Terrorism".

Again, Problems resurfaced in relation to the questions about the completeness of North-Korea's declaration of nuclear materials. A problem also resurfaced in relation to the increasing concerns about alleged North-Korea's nuclear related assistance to Syria in early 2009; and also North-Korea's announcement for launching communication satellite which some believed that it is a cover-up for missile development. Soon, North-Korea, once again announced that it is resuming its nuclear

programme. Consequent upon this announcement, it conducted its second nuclear weapon test in May, 2009. The Security Council, once again, was compelled to adopt a Resolution 1874 condemning North-Korea. Additional sanctioned were imposed on North Korea for conducting the second nuclear weapon test in total disregards to international laws.

Undeterred North-Korea, in the meantime, progressive pursues its nuclear weapon programs. It was never so serious about its obligation not to pursue nuclear weapon programme nor was it interested in nuclear disarmament or nuclear weapon free Korean Peninsula. Though it was a party to the NPT prior to its announcement for withdrawal from the Treaty in 2003, it was not serious or interested in adhering to the terms which it pledged to adhere to. As a matter of fact, it is well known fact that it joined the NPT due to the pressure of its traditional allies; China and Russia. As tension continues between North-Korea and USA over the former's nuclear activities, North-Korea test fired a long range Inter-Continental Ballistic Missile in July, 2017. Thereafter, it has been an opened secret that North-Korea has simultaneously develops the weapons and its delivery system. As it has stated, North-Korea had been developing ICBM which would enable it to strike US homeland. On many occasions, North-Korea openly declared that, as soon as it has the delivery system of nuclear weapon in the form of ICBM, it would strike US homeland with nuclear weapon and destroy the entire USA. Though North-Korea develop ICBM system to destroy USA, it is believed that, as of now, it has not yet have the capability to develop long range ICBM system which could strike US mainland.

Being felt threatened, US started testing the operational fitness of its minuteman successfully. As tensions are mounting each day, North-Korea once again, conducted underground nuclear test on September 3, 2017. The nuclear explosion is believed to be far more powerful than the previous ones; and is believed to be Thermo nuclear or hydrogen bombs. The Nuclear test come under strong condemnations from international community, including the UN Security Council with unanimous vote. New sanctions are imposed over and over again without having much impact on North-Korea: with the exception of imposing economics, and military sanctions even UN Security Council could not do much.

As tensions, continue, threat and counter treat are the order of the day between USA and North-Korea While North-Korea announced its intention to strike Guam, US Pacific territory, Trump, the President of USA threatens North-Korea that if North-Korea strikes Guam, US will retaliate with fire and fury the like of which the world had never seen before.

It is now increasingly increasing becoming late to find peaceful resolution of conflict; but unless, otherwise, decisive step is taken in a right direction, the war between US, South-Korea and Japan on the

one side, North-Korea, China and Russia on the other side would be inevitable marking the beginning of world war-III.

References:

1. "Treaty on the Non-Proliferation of Nuclear Weapons"
(<http://disarmament.un.org/treaties/t/npt>). United Nations Office for Disarmament Affairs. Retrieved 2017-05-13.
2. "UNODA - Non-Proliferation of Nuclear Weapons (NPT)"
(<https://www.un.org/disarmament/WMD/Nuclear/NPT.shtml>). *un.org*. Retrieved 2016-02-20.
3. "Decisions Adopted at the 1995 NPT Review & Extension Conference - Acronym Institute"
(<http://acronym.org.uk/old/official-and-govt-documents/decisions-adopted-1995-npt-review-extension-conference>).
4. "Nuclear Non-Proliferation Treaty (NPT)"
(https://web.archive.org/web/20130311220936/http://dtirp.dtra.mil/pdfs/npt_status_2009.pdf) (PDF). *Defense Treaty Inspection Readiness Program - United States Department of Defense*. Defense Treaty Inspection Readiness Program. Archived from the original (http://dtirp.dtra.mil/pdfs/npt_status_2009.pdf) (PDF) on 11 March 2013. Retrieved 19 June 2013.
5. Graham. Jr., Thomas (November 2(04). "Avoiding the Tipping Point"
(http://www.armscontrol.org/act/2004_IIIBookReview). Arms Control Association.
6. Benjamin K. Sovacool (2011). *Contesting the Future of Nuclear Power: A Critical Global Assessment of Atomic Energy*, World Scientific, pp. 187-190.
7. Thomas C. Reed and Danny B. Stillman (2009). *The Nuclear Express: A Political History of the Bomb and its Proliferation*, Zenith Press, p. 144. .
8. See, for example, the Canadian government's NPT web site The Nuclear Non-Proliferation Treaty (<http://www.international.gc.ca/arms-annes/nuclear-nucleaire/npt-tnp.aspx>).