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NORTH KOREA'S NUCLEAR PROGRAMME: THE SURVIVAL OF THE REGIME AND THE CHALLENGES OF SECURITY

Abstract

North Korea's nuclear programme poses several challenges to regional and international security. The risk lies not only in the hypothetical physical use of these weapons and the promotion of nuclear proliferation itself as a phenomenon, but this nuclear program aggravates regional rivalries, promoting constant crisis. It also foments the illicit trade of nuclear technology, and other no less important practices.

Keywords

North Korea, Kim regime, nuclear program, international and regional security.

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INTRODUCTION

The area of Northeast Asia is one of the world's major strategic zones. In this context, one of the focal points is the conflict on the Korean Peninsula, with one country, North Korea, anchored in the survival of a hereditary dictatorial regime that bases its stability on its nuclear-capable military power and a dynamic of constant threat and confrontation, especially with its southern neighbour. Pyongyang's nuclear policy has a huge impact not only on the region, but also on the international agenda. The fact that North Korea is the fourth conventional military power in the world, and has developed nuclear weapons, constitutes a serious threat to security in the region.

North Korea claims its sovereign right to become a nuclear state outside the Nuclear Non-Proliferation Treaty (NPT). In fact, it has been revealing its plans to experiment with enriched uranium and to improve its plutonium extraction program, as well as talking up the success of its nuclear tests and missile launches, provoking a new crisis with each one of these episodes. Despite sanctions imposed by the international community and the problems the country has suffered as a result, North Korea continues to focus its efforts on improving its nuclear capacity in order to build a strong regime and nation.

For many years the international community has lived with the continuous threat of Pyongyang's nuclear programme. However, there were strong suspicions that it was only blackmail in order to obtain economic, energy and even food benefits. However, with the consolidation of its nuclear programme the scenario has changed radically in recent years and North Korea has come to be regarded as a real threat to regional and international security. Its nuclear and launch vector tests are increasingly better and more sophisticated; the Pyongyang regime shows a remarkable development in its nuclear capacity and, what is worse, this technological progress is accompanied by a heightening of threat levels towards other States, which often exceed the limits and suggest that future crises will become increasingly serious.

THE NORTH KOREA NUCLEAR STRATEGY: A NECESSARY CONDITION FOR THE CONTINUITY OF ITS POLITICAL REGIME

The origins of the North Korean nuclear programme are largely the product of the Cold War scenario. After World War Two, the United States and the Soviet Union carved up the Korean peninsula into two zones of occupation -with its border line in Parallel 38- dividing it into two completely opposite and incompatible regimes, which

led to the establishment of two independent governments in the north and south, both of which routinely claim sovereignty over the whole peninsular territory.

In 1950 the situation worsened with the outbreak of the Korean War (1950-1953)¹, triggered by the military attack of the North in an attempt at reunification as part of the patriotic vision of its supreme leader, Kim Il-Sung (founder of the Kim dynasty)². The disputing parties in that scenario were South Korea and the United States on the one hand, and on the other, North Korea, supported by the two great communist powers of the Cold War period: the Soviet union (USSR) and China.

The regimes of Pyongyang and Seoul opted for different paths in pursuit of their survival and development (the former, communist and state-owned, and the latter capitalist and liberal). While South Korea had the economic and military support of the United States, North Korea survived with aid from the Soviet Union and China, giving priority to the development of its conventional and nuclear military capabilities.

Since the official birth in 1948 of the Democratic People's Republic of Korea (DPRK), its main concern has been to ensure the continuity of the regime. To this end, its founder Kim Il-Sung (the so-called "father of the nation") established a rigid dictatorial system with an ideologically unpublished national identity that described the North Korean state as a vulnerable victim in a hostile world, subject to alleged and relentless aggression by the powers of East and West. This dictatorship survives thanks to the support of an elite working in the shadows, a corrupt and highly privileged group composed of generals, commissioners and policy-makers³.

In addition, the regime is underpinned by a set of primary ideas, developed in the fifties by Kim Il-Sung; this is a policy -known as the Juche ideology- based on self-reliance, with a strong dictatorial, autarkic component and principles of strategic autonomy and popular resistance. This ideology sought to guarantee national sovereignty in all spheres -political, economic and military- maintaining a position independent of the USSR and China. Its stated aim was to solve the problems of the revolution and the construction of socialism independently of third parties, but under the supreme guidance of the leader. Over time, this concept of "Juche" has extended to

1 The war caused about 600,000 South Korean casualties, 50,000 American and about 2 million Chinese and North Korean casualties (in addition, there were countless civilian casualties). The North Korean attack of June 25, 1950 caused the immediate reaction of the United Nations Security Council - Resolutions 82, 83 and 84 - which called for the cessation of hostilities, the return of the aggressor forces to their point of departure, and the creation of a United Nations Force in Korea, composed mainly of United States military units led by US General D. MacArthur.

2 In 1945, with the surrender of Japan at the end of World War II, Kim Il-Sung returned to Korea, having abandoned the country in 1919. The USSR supported him in becoming elected leader of the Provisional People's Committee in the northern zone under Soviet control, and in 1948 he became Prime Minister of the newly created Democratic People's Republic of Korea.

3 SOON, Paik Hak, *"La transition du pouvoir en Corée du Nord et le nouveau leadership de Kim Jong Eun"*, Report of intervention at Paris International Conference, May 25, 2012, pp. 1-2.

all possible areas of North Korean politics, as it moved away from its initial adherence to an ideological context, detaching itself from Soviet and Chinese influences, and later expanded and succeeded in steering its own diplomatic, economic and military policies.

This political line was later modified by his successor Kim Jong-Il, who set out a new Maoist-inspired doctrine -the “Songun” principle- which emerged in the mid-1990s during a very difficult economic period for North Korea. The new ideology consisted in making the armed forces the basis of the socialist “revolution” and the supreme priority in transforming North Korea into a “powerful and prosperous state.” Thus, it was emphasised that any movement of recovery would be achieved through the Army; the “Songun” principle is based on the motto “military comes first”. In this way, its armed forces have become the most important organ of the State, to the point of being considered as a spiritual guide and model of behaviour for the North Korean people⁴.

According to the “securitization” theory developed by the Copenhagen School, these types of States convey the perception of vital threat to the State, regime, ideology or sovereignty, in order to legitimise the imposition of extraordinary emergency measures. In this sense, the sacrifices imposed on the population can keep it at an extreme level of poverty. In fact, North Korea suffered a severe famine during the 1990s, and hundreds of thousands and even millions of people are believed to have died. Meanwhile, the North Korean political regime was already immersed in launching its military nuclear programme⁵.

On the other hand, the continued deployment of US armed forces in neighbouring South Korea since the 1950s has been a determining factor. Since then, North Korean leaders’ strategic calculations can be largely explained by how they perceive the American threat. From this perspective, the “Washington factor” constitutes the main source of danger for the Kim regime, and the key element in North Korea’s strategic thinking⁶.

Furthermore, the foreign policy of Pyongyang can also be understood in terms of its apprehension in the face of a perceived threat from additional actors. On the one hand the Korean people -both from North and South- have often maintained divisive

4 KWON, Souyoung, “State Building in North Korea: From a ‘Self-Reliant’ to a ‘Military-First’ State”, *Asian Affairs*, vol. 34, nº 3, 2003, pp. 286-296; and MINISTRY OF DEFENCE, “*Corea del Norte: entre la autosuficiencia y el poder militar*”, *op.cit.*, p. 44.

5 See “North Korea Persecuting the starving”, Amnesty International News Service document ASA 24/004/2000, December 15, 2000, at <http://web.archive.org/web/20081021151654/http://amnesty.org/es/library/asset/ASA24/004/2000/es/dom-ASA240042000es.pdf>. (Consulted on April 20, 2014).

On the theory of “securitization” BUZAN, Barry, WAEVER, Ole, and DE WILD, Jaap, *Security: A New Framework for Analysis*, Lynne Rienner, Boulder, 1998.

6 OLSEN, Eduard. A., “U.S.-North Korean Relations: Foreign Policy Dilemmas”, *North Korean Review*, vol. 1, nº 1, 2005, pp. 63-66.

relations with Japan. This relationship of mistrust is due both to numerous attempts by Japan in the past to invade the peninsula, and to the period of effective Japanese colonialism in Korea (from 1910 to 1945)⁷. In this context, Pyongyang constantly denounces the Japanese government, on the grounds that the Japanese defence forces represent a threat to the security of Eastern Asia⁸.

The intimate enemy of the Kim regime is South Korea, and it views the government of Seoul as corrupt and completely subject to the imperialist and hostile will of the US administration. The North Korean press invariably qualifies the South Korean army as a “puppet army”.

In this sense, the military alliance between Seoul and Washington is one of the most disturbing elements in the dialectic of this confrontation. It is the most durable and solid alliance in the region. The constant manoeuvres carried out by the US and South Korean armed forces are intended to discourage any proactive action by the Pyongyang regime. For its part, however, the DPRK perceives them as acts of war, and in the end they have become a permanent source of tension. The end of the Cold War and the subsequent normalisation of diplomatic relations between the USSR and China with South Korea led the North Korean system to make its policy more extreme. Later, the increasingly aggressive statements by the United States on the risk of suffering an attack further reinforced the need for a military force capable of defending the survival of a deprived and isolated state, forced to rely on its own resources to ensure its security in the absence of an ally. Thus, North Korea saw in nuclear weapons the only strategy that could remove the country (and its political system) from the spectre of an invasion from the enemy⁹.

The Pyongyang regime was not able to meet the costs of modernising its old-fashioned conventional armaments, and found in nuclear arsenal the most economical

7 The Japanese occupation of Korea for 35 years (1910-1945) was part of the expansion of the Japanese Empire in Asian territory and lasted until the Japanese surrender in World War Two.

8 “KCNA Blasts Japan's Moves to Become Military Power”, *KCNA*, March 8, 2010, on www.kcna.co.jp/index-e.htm (page consulted on April 1, 2013).

9 In 1959 North Korea celebrated its first scientific cooperation agreement with the USSR, and shortly afterwards it was equipped with a subcritical reactor in the Department of Nuclear Research of Kim Il-Sung University, built an underground laboratory in Pakchon and with Soviet assistance included an R & D unit in the Nuclear Physics Department of the Kim Chaek Industrial Institute. Shortly thereafter, in 1965, the USSR supplied them with a 1 Megawatt research reactor, which was installed in the Yongbyon Nuclear Complex, and later increased its power to 4 Mw. The same reactor figures in the IAEA registers as a 5 Mw Soviet heavy-duty IRT reactor with a plutonium production capacity and is managed by the State Atomic Energy Committee. See SALAZAR SERANTES, Gonzalo de, *El nuevo desafío: la proliferación nuclear en el umbral del siglo XXI*, Documentos CIDOB Seguridad y Defensa, n° 4, 2004, pp.72-73; INTERNATIONAL ATOMIC ENERGY AGENCY, Nuclear Research Reactors in the World, Reference Data series, n° 3, IAEA, Vienna, 1997, p. 119; INSTITUTE FOR DEFENSE & DISARMAMENT STUDIES, The Arms Control Reporter: A Chronicle of Treaties, Negotiations, Proposals, Weapons and Policy, Institute for Defense & Disarmament Studies, Cambridge, vol. 1998, p.457.

and effective alternative. From this perspective, the DPRK's foreign policy has opted for "nuclear diplomacy", in the sense that it regards nuclear weaponisation not as an end in itself, but rather an instrument of foreign policy that allows its regime to ensure its survival and at the same time position itself advantageously in its economic interactions with the international community¹⁰.

DEVELOPMENT AND EVOLUTION OF THE NORTH KOREAN NUCLEAR PROGRAMME: ATOMIC WEAPONS AS THE BASIS OF ITS FOREIGN POLICY

Originally, the North Korean nuclear programme might have been considered as following a legal process, adjusted to international standards. The good intentions confirmed when it joined the International Atomic Energy Agency on September 18, 1974 and its accession on December 12, 1985 to the Nuclear Non-Proliferation Treaty did not preclude ongoing suspicions of a possible dual use of nuclear technology acquired through scientists educated in Japan and the fundamental support of the Soviet Union¹¹.

In parallel with its advances in the development of nuclear technology, North Korea sought to negotiate agreements in this area with the United States and other actors. It was logical to think that the period subsequent to the war between the two Koreas would rule out any possibility of dialogue on the future of the area for a long time, but already in the years 1975 and 1976 there were some positive moves and efforts at mutual recognition between China-USSR with South Korea and the United States with North Korea.

In 1984, US reconnaissance satellites detected the construction of a Soviet technology reactor capable of producing plutonium and the Washington government revealed that it had evidence of the secret assembly of a nuclear reactor near Yongbyon, the construction of a plutonium reprocessing plant and the existence of a third 50 megaton reactor¹².

¹⁰ MICHISHITA, Narushige, "The Future of North Korean Strategy", *Korean Journal of Defense Analysis*, vol. 21, n° 1, 2009, p. 107.

¹¹ The OIEA discovered contradictions between the reports provided by the North Korean government and those obtained from their own sources. Thus, it is suspected that in the early 1960s North Korea built a nuclear research centre in Yongbyon, north of Pyongyang. A few years later, in 1965, it was suspected that North Korea had already assembled a first Soviet-made "IRT-2M" nuclear reactor.

¹² See SALAZAR SERANTES, Gonzalo de, *El nuevo desafío: la proliferación nuclear en el umbral del siglo XXI*, Documentos CIDOB Seguridad y Defensa, n° 4, 2004, p. 70; MAZARR, M.J., "Going Just a Little Nuclear: Non-proliferation Lessons from North Korea", *International Security*, vol. 20, n° 2, 1995, pp. 93-94.

As an initial step, North Korea announced its withdrawal from the NPT on 12 March 1993, rejecting IAEA inspections¹³. Tensions grew with the testing of a Rodong-I missile -with an estimated 1,000-kilometer radius of action- aimed at the Japanese Sea. Following the same strategy, in 1994 the North Koreans took a step further by removing nuclear material from the Yongbyon plant.

After several requests for disarmament, the IAEA informed the United Nations Security Council¹⁴, and North Korea reacted by threatening to withdraw from the NPT. This hostile position of Pyongyang forced Washington to change its position, and to accept bilateral dialogue. Thus, North Korea and the United States signed a Framework Agreement in 1994 to end the crisis.¹⁵ The terms included the US supply of light-water reactor power plants and the exchange of documentation on the peaceful use of atomic energy¹⁶. In return, North Korea undertook to dismantle its nuclear reactors and freeze those under construction; to enter into dialogue with South Korea and to commit to not developing weapons, while the United States promised not to threaten the use of such weapons.

In late 2002 and early 2003, claiming that it was in reaction to George Bush Jr.'s term "axis of evil" and the suspension of oil deliveries¹⁷, the Government of Pyongyang informed the IAEA that it would resume activities at the Yongbyon nuclear reactor and other nuclear facilities whose activities had been frozen under the 1994 Framework Agreement¹⁸.

After several years of tug-of-war between Pyongyang and the international community, the announcement of its final withdrawal from the NPT in 2003 was a clear warning that Kim's regime was determined to continue with its project to develop a military nuclear programme. As an argument for this withdrawal, North Korea claimed that it had already warned the United Nations Security Council in 1993 of a

13 Letter of 12 March 1993 from the DPRK Foreign Minister to the Security Council (doc. 25405), under article X.1 of the NPT, and the Security Council urged him to reconsider his announcement -Resolution 825 (1993) of 11 May 1993, point 1. In fact, that announced withdrawal did not take place, as the DPRK and the United States agreed to a joint statement, dated June 11, 1993.

14 See Statement by the President of the United Nations Security Council of March 31, 1994 (S/PRST/1994/13).

15 This Agreed Framework was signed by the United States and North Korea on October 21, 1994. See text on www.armscontrol.org/documents/af (consulted on April 18, 2013).

16 The last two points mentioned were to be implemented by an international consortium created in 1995 to that end under the name *Korean Peninsula Energy Development Organization*, KEDO, composed of thirteen States.

17 Speech by the President of the United States, G. BUSH Jr. on the State of the Union at a joint session of Congress of January 29, 2002, on www.presidency.ucsb.edu/ws/index.php?pid=29644 (consulted on October 25, 2013).

18 "Chronology of U.S.-North Korean Nuclear and Missile Diplomacy", Arms Control Association, online, www.armscontrol.org/factsheets/dprkchron (consulted on November 8, 2013).

perceived threat to its survival due to US pressure and its military manoeuvres carried out with South Korea in the region. The Government of Pyongyang maintained that this measure was fully in line with the purposes and principles of the Charter of the United Nations, “as it is a measure of self-defence to protect the sovereignty and the right to existence of the country and the nation”¹⁹, and on the grounds that its nuclear and missile programme stem from the right to develop atomic weapons to defend itself against the threat posed by US hostility.

In legal terms, the NPT does in fact permit withdrawal from the organisation under Article 10, although this entails certain formal requirements, with which it is unclear whether North Korea is compliant:

“1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from the Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notification shall include a statement of any extraordinary events which that Party considers to have compromised its supreme interests”²⁰.

In fact, the North Korean authorities described the NPT as “an instrument of hostile policy pursued by the United States against the DPRK in order to disarm and destroy its system by force”²¹, adding that “in the context of explicit military threats from the US, the only way to preserve peace (...) is to have an average deterrent capacity”²².

In the face of this new situation, the United States wanted to ease tensions by proposing multilateral talks on the North Korean nuclear issue, and yet the Pyongyang government objected in principle, on the grounds that the conflict was a bilateral affair with Washington. However, thanks to Chinese mediation, the DPRK ended up agreeing to hold talks with China and the United States in April 2003, in addition to negotiating with the United States, China, South Korea, Japan and Russia (known as the Group of Six).

However, despite international pressure, North Korea knew that obtaining nuclear military capability was just a matter of time. Thus, on July 5, 2006, the Pyongyang Government tested the launch of multiple ballistic missiles aimed at the Sea of Japan, tests which were seen as an unprecedented event and a clear and calculated act of

19 Letter dated January 10, 2003 from the DPRK Minister for Foreign Affairs addressed to the President of the United Nations Security Council, doc. S/2003/91, annex I.

20 On this withdrawal, see BOUTHERIN, Grégory, “*Le Traité sur la non-prolifération à l’épreuve du droit de retrait*”, *Politique Étrangère*, n° 4, 2008, pp. 791-801.

21 DPRK government statement, January 10, 2003, on UN doc. S/2003/91, annex II.

22 *KCNA* statement in May 2003, quoted in MYERS, B.R., *The Cleanest Race: How North Koreans See Themselves and Why It Matters*, Melville House, Brooklyn, 2010, p. 57.

defiance²³. In fact, they were condemned by the United Nations Security Council, which demanded that the DPRK suspend such activities and return to the Group of Six talks, in addition to urging UN member states to prevent the transfer to North Korea of missiles, associated items and related financial resources²⁴.

The culmination of this process occurred on October 9, 2006, when the North Korean government announced the successful completion of its first underground nuclear test (allegedly plutonium); the Daejeon Seismic Research Centre in South Korea and various reports from other international detection institutes confirmed that the test had taken place about 15.4 kilometres northwest of Hwadaeri, near the town of Kilju, North Hamgyong province, registering an earthquake in the area between 3.5 and 4.2 degrees on the Richter scale. The country's media declared that this "scientific success" as well as the development of defence capabilities contributed "to the defence of the peace and stability of the Korean peninsula"²⁵.

The international community reacted quickly to the seriousness of the situation: on October 14, 2006, the UN Security Council adopted Resolution 1718 (2006), acting under Chapter VII of the United Nations Charter, and specifically in relation to Article 41 - "measures not involving the use of armed force" - condemned the declared nuclear test²⁶, demanded that the DPRK not conduct any further nuclear test or launch of a ballistic missile²⁷, that the DPRK immediately retract its announcement of withdrawal from the NPT, and agree to return to the NPT and to IAEA safeguards²⁸; it also decided that the DPRK should abandon all its nuclear weapons, nuclear programmes, all other existing weapons of mass destruction and its ballistic missile programme in a complete, verifiable and irreversible manner²⁹.

23 It should be remembered that North Korea started this strategy of launching missiles into the Sea of Japan in 1998.

24 Items 1 to 4 and Item 6 of Security Council Resolution 1695 (2006). However, the DPRK's Foreign Ministry stated that the Government of Pyongyang would not be bound by that resolution, despite the fact that North Korea is a Member State of the United Nations, and is therefore obliged to accept and comply with the decisions of the Security Council (Article 25 of the Charter of the United Nations), since the Member States have conferred on the Council the primary responsibility for the maintenance of international peace and security (Article 24 (1) of the Charter).

25 "DPRK Successfully Conducts Underground Nuclear Test", *KCNA*, October 9, 2006, on www.kcna.co.jp/item/2006/200610/newsJO/IO.htm#J (consulted May 14, 2013).

26 Point 1 of Resolution 1718 (2006). The Security Council considered that with this nuclear test DPRK flagrantly disregarded its relevant resolutions, in particular Resolution 1695 (2006) and the Declaration of its Presidency of October 6, 2006 (doc. S/PRST/2006/41).

27 Point 2 of Resolution 1718 (2006).

28 Points 3 and 4 of Resolution 1718 (2006). The Security Council therefore decided that the DPRK should act in accordance with the obligations of the Parties to the NPT and the terms of its IAEA Safeguards Agreement (IAEA INFCIRC / 403), paragraph 6 of the aforementioned Resolution.

29 Points 6 and 7 of Resolution 1718 (2006).

In order to ensure North Korea's compliance with the requirements described above, the Security Council extended sanctions on trade with the DPRK and expanded the scope of the prohibited transactions of its previous Resolution 1695 (2006) by deciding that United Nations Member States should prevent North Korea from supplying, selling or transferring -directly or indirectly- combat vehicles, goods, equipment, technology, assistance, services and technical training to North Korea Ballistic missiles or other weapons of mass destruction of the DPRK, as well as luxury goods³⁰; it prohibited the DPRK from exporting such goods³¹; and decided on the freezing by Member States of financial assets and economic resources owned or controlled by persons and entities participating in such DPRK programmes and their families) which were furthermore denied access to and transit through the territory of the Member States³².

In its resolutions, the Security Council recalled that the DPRK cannot be a nuclear-armed State in accordance with the NPT, and lamented its announcement to withdraw from that Treaty and to procure nuclear weapons; that is to say, the Security Council did not accept the North Korean withdrawal from the NPT and felt that it should continue to fulfil those treaty obligations as a State party. This raises the question whether the United Nations Security Council, in this case acting under Chapter VII of the Charter, may impose on a sovereign State its continuity as a party to an international treaty.

In short, the international community was aware that this was only one more step in the repeated nuclear crises with that country, and that North Korea would not refrain from its desire to continue testing ballistic missiles and nuclear detonations, but would continue to work on improving them.

In those years, the North Korean authorities repeatedly stated that efforts to force the DPRK to abandon its nuclear programme would be another manifestation of the US threat, and in fact its Foreign Minister warned that "if the United States desperately pursues its hostile policy of seeking to isolate and stifle North Korea under the pretext of the nuclear issue, refusing to coexist with Pyongyang, we will further increase the deterrent means of self-defence"³³.

30 Point 8.a) and c) of Resolution 1718 (2006).

31 Point 8.b) of Resolution 1718 (2006).

32 Points 8.d) and e) of Resolution 1718 (2006). Such persons and entities would be designated by the Security Council or by the Committee established by the Security Council to monitor compliance with all these measures - Resolution 1718 (2006), Point 12. The Security Council also urged Member States to take cooperative measures, including cargo inspection. But, of course, none of these measures would apply to those resources necessary to meet basic, extraordinary expenses, or if the trip is for humanitarian reasons - Items 8 (f), 9 and 10.

33 Statement by the DPRK Ministry of Foreign Affairs, in "U.S. Accused of Trying to Bring Down DPRK System", KCNA, December 21, 2004, at www.kcna.co.jp/index-e.htm (accessed June 23, 2013).

On April 5, 2009, North Korea carried out missile tests on the Sea of Japan (possibly with the Teapo Dong II missile, with a range of 6000 Km)³⁴. And on May 25 of the same year, the official North Korean news agency (KCNA) announced that a ground-based nuclear test had been successfully completed. Although there is no official information regarding the location of the test, it is believed to have been carried out in the Northeast region near Kilju, the same site as the first nuclear test of 2006. South Korean sources revealed that seismic activity had been detected in that area and that this activity could be related to a test much larger than the previous one³⁵. Once again the national North Korean press explained that this test was carried out within the framework of nuclear deterrent reinforcement measures³⁶.

The UN Security Council vehemently condemned this nuclear test-Resolution 1874 (2009), of June 12, 2009³⁷ and demanded that the DPRK conduct no further nuclear testing or any launch using ballistic missile technology³⁸ and immediately comply fully with its obligations under relevant Security Council resolutions, in particular resolution 1718 (2006)³⁹, whose measures it basically reiterated⁴⁰, underlining the vigilance to be exercised by Member States in all such matters⁴¹.

34 "North Korea space launch 'fails'", BBC, April 5, 2009, online: <http://news.bbc.co.uk/2/hi/asia-pacific/7984254.stm> (consulted on April 22, 2013).

35 JEFFREY, Park, "The North Korean nuclear test: What the seismic data says", Bulletin of the Atomic Scientists, May 26, 2009, on <http://thebulletin.org/north-korean-nuclear-test-what-seismic-data-says> (consulted on April 25, 2013).

36 "Report on One More Successful Underground Nuclear Test", KCNA, May 25, 2009, online: <http://www.kcna.co.jp/index-e.htm> (consulted on April 26 2013).

37 Point 1 of Resolution 1874 (2009). See also in this context the Statement by the President of the National Security Council, April 13, 2009 (doc.S/PRST/2009/7).

38 Point 2 of Resolution 1874 (2009).

39 Point 4 of Resolution 1874 (2009). It also calls on Member States to implement their obligations –section7-.

40 Resolution 1874 (2009), points 3, 5, 6, 8, 9 and 10. The Security Council not only required the DPRK to comply with NPT obligations and the conditions of the Safeguards Agreement but also to provide the IAEA with transparency measures beyond these requirements, including such access as may be required and deemed necessary by the IAEA- Point 8.

41 Thus, for example, the Security Council extended the embargo on arms trade with the DPRK to virtually all types of arms and related materiel - items 9 and 10 of Resolution 1874 (2009); it urged all States to inspect the entire cargo to or from the DPRK if they have reasonable grounds to believe that such cargo contains prohibited articles (point 11); it called on them to inspect ships on the high seas, with the consent of the flag State, if they were in the same situation (point 12); it called on them to cooperate with such inspections and if the flag State does not consent to inspection on the high seas, they should then conduct the inspection (point 13) ; it authorised and required Member States to requisition and dispose of such articles (point 14); it authorised them to obstruct or prevent the provision of financial services or the transfer of financial assets that may contribute to the DPRK's weapons programmes (point 18); it called on Member States, international financial and credit institutions not to "undertake new commitments related to subsidies, financial assistance or

In the face of these sanctions, the North Korean Foreign Ministry said that the Security Council's condemnation and fresh sanctions constituted an "intolerable mockery of the North Korean people", and added that North Korea had definitively abandoned all prospects of meeting to negotiate abandoning its nuclear programme. In fact, the country then decided to suspend its cooperation with the IAEA, which until 2009 had been conducting on-site inspections in North Korea, and expelled its inspectors.

A month later, the Ministry furthermore declared that it was absolutely impossible for the DPRK to abandon its nuclear programme and in the same communiqué announced that it would develop a uranium enrichment programme alongside its plutonium-based nuclear programme⁴², adding that any attempt by the United States and its allies to impose a blockade on North Korea would be considered an act of war and be met with a military response⁴³.

In an unprecedented situation, in 2010 North Korea exchanged artillery fire with South Korea near Yeonpyeong Island, located on the disputed maritime border of the Yellow Sea. The North Korean government issued a communiqué in which it said it had responded -with resolute military measures- to shells previously fired by South Korea, denouncing the threat posed by South Korean manoeuvres conducted in the area together with the US⁴⁴. Coinciding with these events, North Korea reaffirmed its status as a nuclear power outside the NPT, openly declaring the development of its uranium enrichment and plutonium reuse programme for the manufacture of nuclear warheads⁴⁵.

This escalation was part of the Kim regime's continuity policy. It was assumed that Kim Jong-Il was then preparing for the transfer of power to his son Kim Jong-Un, so it was important to end the *status quo* and break the armistice with South Korea. As the new leader was young and inexperienced, it is likely that Kim Jong-Il contributed to increasing tensions, thus putting pressure on the international community to ensure the transfer of power and demonstrate the Kim dynasty's commitment to the political and ideological continuity of the regime.

concessionary loans to the DPRK, except for humanitarian and development purposes directly linked to the needs of the civilian population or the promotion of denuclearisation "(point19), or provide public financial support for trade with the DPRK that may contribute to the execution of prohibited programs or activities (point 20).

42 "DPRK Foreign Ministry Vehemently Refutes UNSC's Presidential Statement", *KCNA*, 14, April 2009, at www.kcna.co.jp/index-e.htm (consulted on May 3, 2013).

43 "U.S. Supply of Military Equipment to S. Korea under Fire", *KCNA*, June 2, 2009, on www.kcna.co.jp/litem/2009/200906/news02/20090602-08ee.html (consulted on May 5, 2013).

44 North Korean officials said that South Korea had started the gunfight, while it was reported from Seoul that its units were conducting a real-life artillery drill, but that at no time did it fire on North Korean territory. CÁNOVAS SÁNCHEZ, Bartolomé, Pyongyang permanent crisis, Spanish Institute for Strategic Studies, Opinion Document 24/2013, March 13, 2013, pp.1-2.

45 GARCÍA SÁNCHEZ, Ignacio José, "Corea: El sueño de una península unificada y desnuclearizada" in MINISTRY OF DEFENCE, *Panorama Geopolítico de los Conflictos 2011*, Opinión paper n° 82, Instituto Español de Estudios Estratégicos, Madrid, 2012, pp. 298-299.

Breaking certain moulds, Kim Jong-Un pronounced a New Year's speech on January 1, 2013 an event that had not occurred since 1994. As was expected, the new leader's plan fell within the logic of continuity of the Kim dynasty, advocating a "socialist, powerful and prosperous Korea". In his speech, Kim Jong-Un alluded to the dynastic link; the role of the Korean Labour Party as a political force; the role of the armed forces in the North Korean power scheme; economic policy and the maintenance of the everlasting desideratum of unification with the South⁴⁶.

Indeed, ever since December 12, 2012, following the successful launch of a rocket that put a small North Korean satellite in orbit, the situation on the peninsula has seen a constant escalation in the rhetoric of confrontation punctuated by activities, some of which could be described as pre-war in nature. The United Nations Security Council condemned the launch for violating its ban on developing and testing ballistic missiles, and urged the DPRK to put a halt to the arms race⁴⁷.

This condemnation fell on deaf ears and the DPRK National Defence Commission (chaired by Kim Jong-Un) defiantly replied that a further nuclear test was planned and that it would continue to launch satellites and long-range missiles directed against the "enemy", the United States; these statements coincided with the announcement by South Korean intelligence sources that technical preparations were underway for a possible nuclear test.

The launch of a long-range missile not long afterwards constituted further provocation. Since then, not only have nuclear tests been carried out, but, in addition, there have been increasing threats against South Korea and the United States.

The North Korean National Defence Commission announced its intention to proceed to a new "high-level" nuclear test, and in fact the new North Korean leader stated that differences with the United States were regulated by force and not by words⁴⁸. Thus, with the pretext of the military, naval and aerial manoeuvres of South Korea and the United States, the Pyongyang regime proceeded on February 12, 2013 to carry out its third underground test of nuclear warheads⁴⁹. This test represented a substantial increase in power in comparison with the previous two: the first, carried out in 2006, was 1 kiloton of power; the second, in 2009, reached 2 Kilotons; and this third was 6 to 7 kilotons, representing a considerable increase.

46 BOLTAINA BOSCH, Xavier, *Discurso de año nuevo de Kim Jong Un: ¿Una hoja de ruta para el cambio en Corea del Norte?*, Instituto Español de Estudios Estratégicos, Opinion paper 10/2013, January 30, 2013, pp. 2-3.

47 Security Council Resolution 2087 (2013), January 22, 2013.

48 FALLETTI, Sébastien, "La Corée du Nord annonce un nouvel essai nucléaire", Le Figaro, published January 24, 2013.

49 Underground tests detonate bombs underground to limit radiation and exposure to radioactive rain on the surface and in the atmosphere. If the tunnels are deep enough to be dug, the radiation can be completely contained, although in some cases the radiation may leak slowly during the months after the test. After each nuclear test, artificial earthquakes caused by the explosion were recorded, the last of these measuring 4.9 degrees on the Richter scale. CÁNOVAS SÁNCHEZ, Bartolomé, op.cit, p.4.

Another novelty was the physical design of the bomb, given that, according to the experts, it appeared smaller and lighter, thus indicating that the intention would be to load it on an intercontinental ballistic missile (possibly Teapo Dong III, with a range of 15,000 km). We recall that in December 2012 the space rocket Unba-3 -model KN-08-, had been launched with a range of 6,000 kilometres (capable of reaching Alaska or Hawaii)⁵⁰, to apparently locate a satellite in orbit. The next step could be the incorporation of nuclear loads -probably plutonium extracted from the Yongbyon nuclear power plant- aboard a short, medium or long-range ballistic missile⁵¹.

In response, the United Nations Security Council unanimously adopted Resolution 2094 (2013), which reinforced and broadened the scope of financial sanctions, including blocking transfers to individuals and other entities, and the freezing of new assets⁵². On the other hand, the Resolution requires that the DPRK does not conduct any further nuclear test in the future, that it abandon any such programme, and return to the Non-Proliferation Treaty.

With the new nuclear test and its display of technological progress, Kim Jong-Un felt that he was reinforcing his legitimacy in the eyes of the people and the international community, following the legacy of his father, Kim Jong-Il. Besides, on assuming power, Kim Jong-Un had reformed the Constitution to officially recognise that the DPRK is a state endowed with nuclear weapons, establishing the country for the first time as a “nuclear power”⁵³, thereby making a hypothetical abandonment of atomic weapons by North Korea more difficult from now on.

Continuing with its resolute strategy, on February 7, 2015, North Korea tested five short-range ballistic missiles in the city of Wonsan⁵⁴, and on May 9, it successfully launched a ballistic missile from a submarine⁵⁵. On January 6, 2016, North Korean radio and television broadcast an official statement on the successful completion of a nuclear test at a military site in the north of the country. It was its fourth test of atomic

⁵⁰ Ibid. pp. 5-13.

⁵¹ AA.VV., *Le conflit autour du programme atomique Nord Coréen*, Centre for Security Studies, n° 121, ETH Zurich, October 2012, pp. 1-4.

⁵² Points 1, 2, 3, 4, 5, 6 and 7 of UN Security Council Resolution 2094 (2013), March 7, 2013.

⁵³ The following preamble was included in the 2012 reform of the DPRK Constitution: “The President of the National Defence Commission, Kim Jong-Il, made our country an invincible state in terms of political ideology, a State endowed with nuclear weapons and an indomitable military power, thus opening the way to the construction of a strong and prosperous nation.

⁵⁴ See BBC, published February 7, 2015, www.bbc.com/mundo/ultimas_noticias/2015/02/150207_ultnot_corea_norte_misil_az (consulted on January 10, 2016).

⁵⁵ See CNN, published on May 9, 2015, on <http://expansion.mx/mundo/2015/05/09/corea-del-norte-lanza-un-misil-balistico-desde-un-submarino> (consulted on January 10, 2016).

explosives and the first of a hydrogen bomb, whose existence was announced by the North Korean authorities in late 2015⁵⁶.

The monitoring stations of the Comprehensive Nuclear-Test-Ban Treaty Organization detected the seismic activity of the test. The type of device used is not yet clear, although experts questioned whether it was in fact a hydrogen bomb. A month later, on February 7, 2016, North Korea launched a long-range ballistic missile⁵⁷.

In response, the UN Security Council unanimously adopted Resolution 2270 (2016), condemning the North Korean tests of early 2016, and again demanded that the DPRK not carry out further tests and immediately suspend all activities related to its ballistic missile programme⁵⁸. Alongside this, the Resolution expanded existing measures on North Korea with new financial sanctions, as well as prohibiting Member States from supplying it with aviation fuel and other specified minerals.

In early September 2016, North Korea again challenged the international community with a further nuclear test. According to North Korean state television, the explosion "was a success", and caused an earthquake with a magnitude of 5.3, or a power of 10 kilotons. For its part, South Korea has confirmed this and estimates that the test was the most powerful to date conducted by Pyongyang⁵⁹. The UN Security Council "strongly" condemned this latest nuclear test and announced that it would study new sanctions against Pyongyang.⁶⁰

THE NORTH KOREAN NUCLEAR PROGRAMME: A PERMANENT RISK FOR THE STABILITY OF THE REGION

Despite the considerable time lapse since the end of the North Korea-South Korean war of the 1950s, both states are still formally at war. It is an anachronistic situation that has been going on too long and poses a permanent risk to stability in a key area of the Asian continent.

56 Published in the Russian newspaper RT, "*Corea del Norte ha probado con éxito una bomba de hidrógeno*", published on January 6, 2016, on <https://actualidad.rt.com/actualidad/196089-corea-prueba-armas-bomba-nuclear> (consulted on January 10, 2016).

57 Cited in DAVENPORT, Kelsey, *Chronology of U.S.-North Korean Nuclear and Missile Diplomacy*, Arms Control Association, March 2016, on www.armscontrol.org/factsheets/dprkchron (consulted on 20 March 2016).

58 Security Council Resolution 2270 (2016), March 2, 2016.

59 Information published in EL PAIS September 10, 2016. Available on: http://internacional.elpais.com/internacional/2016/09/09/actualidad/1473384714_686411.html

60 It should be noted that on the date of dispatch of this paper the new Security Council Resolution on the latest North Korean test had not been agreed.

A multiplicity of reciprocal recriminations between the United States, South Korea, Japan and North Korea would escalate tension and, in certain circumstances, trigger the outbreak of armed conflict. If this were to happen, there would be on the one hand a vigorous intervention by the United States to defend its strategic interests in the area and its alliance with Seoul, Tokyo and Taipei. On the other hand, China would probably decide to enter the conflict, fearing that American troops would advance dangerously close to its borders and frustrate its strategies of increasing its influence in the region and reuniting Taiwan.

However, the possibility of a war and the actual use of nuclear weapons is a mere hypothesis -not entirely avoidable- and the great challenge lies in disentangling the consequences of the indirect threat of a nuclear race in the region; This would promote nuclear proliferation with a possible “domino effect”⁶¹, transforming the balance of power and aggravating existing regional conflicts.

The export of nuclear technology to other countries or to non-State groups is the other side of the indirect threat posed by the North Korean nuclear programme, as well as any possible loss of control of nuclear materiel and facilities. In addition, North Korea’s withdrawal from the NPT weakens that treaty and the nuclear non-proliferation regime in general, so that if the international community had not reacted to the withdrawal it might have motivated other NPT Member States to do the same. In general terms, the former Secretary of Defence in the US Clinton administration and creator of the 1994 Framework Agreement, W.J. PERRY, summed up the North Korean nuclear threat to regional and international security with four arguments⁶²:

- 1) It could make North Korea think that the United States would not defend its interests in the region to the bitter end, which weakens deterrence and therefore makes it more likely to start a war;
- 2) It could have a domino effect that would cause other states in East Asia to abandon their current status and choose to go nuclear;
- 3) It increases the risk of exporting nuclear materiel to other States or to terrorist groups, in view of North Korea’s history of ballistic missile proliferation and its desperate economic situation;
- 4) It increases the problem of this arsenal being stolen, should the Pyongyang Government for any reason lose control of its nuclear facilities.

61 At the beginning of the Cold War, the US authorities used the so-called “domino theory” to explain the advance of Soviet communism in the sense that each country adopting that political and economic system dragged others along the same path (Truman Doctrine for the Containment of Communism, presented by US President HS TRUMAN in a statement to Congress on March 11, 1947, which was to later lead to the Marshall Plan).

62 PERRY, William J., “It’s Either Nukes or Negotiation”, in *The Washington Post*, July 23, 2003, on http://belfercenter.hks.harvard.edu/publication/1418/its_either_nukes_or_negotiation.html (consulted on September 8, 2014).

However, the exchange of gunfire in 2010 between the two Koreas on Yeompyeong Island near the common border imposed since the armistice of 1953, and the alleged sinking of a South Korean ship by a North Korean torpedo in waters close to the disputed maritime boundary between the two nations (March 26, 2010) are events clearly demonstrating that North Korea can push beyond the limits and resort to weapons -whether conventional or nuclear- to defend its interests⁶³.

In the first of these episodes, North Korean forces fired more than 175 shells and rockets over its neighbour, killing two South Korean soldiers and two civilians and leaving more than fifteen wounded⁶⁴, while 46 crew-members died with the sinking of the South Korean vessel. China's opposition to the Security Council prevented the Council from taking action, although North Korea's responsibility was confirmed. But the United States did impose unilateral coercive measures⁶⁵ that prompted North Korea to declare its intention to continue with its nuclear programme until it equalled the capacity of the great powers.

In these new circumstances, one could not rule out the use of nuclear weapons in certain circumstances by the young, inexperienced Kim Jong-Un. In the crisis triggered by the 2013 nuclear test, it is apparent that the tone of threats became increasingly strong and disturbing, as the success of atomic explosives and ballistic missiles tests boosted the confidence of the North Korean regime, and it seems set to further develop its nuclear programme.

In the crisis of 2013, North Korea, through the state news agency Uriminzokkiri, stated that "if the United States continues to attempt a hostile policy against North Korea, the country has enough power to wipe out the United States from the planet"⁶⁶. It did not specify the measures they would take, but this is not the first time that the Government of Pyongyang has announced that it can defeat the American power with its military potential; in October 2012 North Korea declared that it had missiles capable of reaching American territory⁶⁷. The announcement was considered an exaggeration at the time, but two months later Pyongyang's government launched a

63 On these events, see GARCÍA SÁNCHEZ, Ignacio José, *op.cit.* pp. 298-299. The sinking of the South Korean ship was condemned in the Declaration by the President of the United Nations Security Council of July 9, 2010 (S/PRST/2010/13).

64 North Korean officials argued that South Korea had started that exchange of artillery, while the country reported that its units were carrying out military manoeuvres but that at no time did they fire on North Korean territory. CÁNOVAS SÁNCHEZ, Bartolomé, *op.cit.* Pp.1-2.

65 Presidential Executive Order 13551, "Blocking Property of Certain Persons With Respect to North Korea", 75 F.R. 53837, September 1, 2010. See RENNACK, D.E., North Korea: Legislative Basis for U.S. Economic Sanctions, Congressional Research Service, Washington, September 29, 2010, pp. 2-3; y DAVENPORT, Kelsey, Chronology of U.S.-North Korean Nuclear and Missile Diplomacy, Arms Control Association, March 2016, www.armscontrol.org/factsheets/dprkchron.

66 Declarations by the spokesman for the DPRK Ministry of Defence, Kim Min-seok, March 30, 2013, cited in CÁNOVAS SÁNCHEZ, Bartolomé, *op.cit.* p.10.

67 See Declarations of the DPRK of October 9, 2012, www.bbc.com/mundo/noticias/2012/10/121009_corea_norte_misiles_ataque_eeuu_jp (consulted on May 14, 2014).

long-range rocket which, according to South Korean military analysts, was capable of reaching targets at a distance of 10,000 km, even in the United States⁶⁸.

At the same time, the Pyongyang regime warned that any possible increase in Western sanctions would be understood as a declaration of war. It also threatened Japan with nuclear retaliation if it became involved in any way in an eventual conflict on the Korean Peninsula. For example, the official North Korean news agency (KCNA) described as “provocative” statements by the Japanese authorities to the effect that they could intercept a North Korean missile and threatened a nuclear cataclysm⁶⁹. According to the KCNA, Japan was following United States-mandated anti-Korean policies, bolstering its military capability to lay the foundations for a fresh invasion of the Korean Peninsula or at least positioning itself to benefit from future conflict⁷⁰.

Similarly, the Kim regime threatened South Korea in a statement by the North-East Asia Peace Committee that “once the war on the peninsula begins, this will be a total war”, and because he did not want to harm foreigners in South Korea, he recommended that they have a safe haven or escape route to protect themselves in the event of a conflict on the Korean Peninsula⁷¹.

In response, both Japan and South Korea stated that they were prepared for any possible contingency and that they would take all necessary measures⁷². For example, South Korean President Park Geun-hye expressed her firm intention to “respond harshly” to future provocations from North Korea, and said that the communist country would face “self-destruction” if it continued its militarist policies.

For its part, the Government of Pyongyang announced that it had annulled the non-aggression agreements signed in 1953 at the end of the Korean War, so that technically both neighbouring States were in a state of war (at least latently)⁷³. In fact, at the end of March 2014, the two Koreas exchanged fire again on the disputed maritime border: the DPRK carried out military exercises with real fire to the sea a few hours after

68 See CÁNOVAS SANCHEZ, Bartolomé, *op.cit.*, pp. 5-6.

69 North Korea threatened to literally turn Japan into a “battlefield,” and did not rule out launching attacks on its main cities, including Tokyo, Osaka or Kyoto, in the event of movements that triggered an armed conflict. This was reported by the Spanish news-agency EFE, citing the editorial in the North Korean newspaper ‘Rodong Sinmun’ following the third nuclear test mentioned and Japan’s installation of anti-missile defences in Tokyo. See this news item published on April 10, 2013, at <http://actualidad.rt.com/actualidad/view/91359-core-norte-guerra-japon> (consulted on August 8, 2013).

70 Ibid.

71 Information published in *El País* April 4, 2013, available on http://internacional.elpais.com/internacional/2013/04/03/actualidad/1365009558_220942.html (consulted on May 6, 2013).

72 The South Korean Ambassador to the UN Kim Sook stated that “We are prepared for any provocation from Pyongyang, and ... for any contingency situation.” See CNN, published on April 7, 2013, <http://cnnespanol.cnn.com/2013/04/07/como-hay-que-tomar-las-amenazas-de-corea-del-norte/> (consulted on May 17, 2013).

73 See CÁNOVAS SÁNCHEZ, Bartolomé, *op.cit.*, pp. 9-11.

notifying Seoul, and a hundred of its shells fell beyond the maritime border; South Korea responded by launching howitzers and dispatching combat aircraft.

On March 21, 2014, North Korea tested 30 short-range missiles in the Sea of Japan, and a few days later tested two medium-range missiles. These events fostered hostility between the two Koreas. In fact, on March 31, 2014, North Korea and South Korea again exchanged hundreds of artillery shells on the Western Sea border⁷⁴.

In response to the North Korean missile launches, on April 4, 2014, South Korea tested its medium-range missiles which, it declared, were able to reach the greater part of DPRK territory⁷⁵. And the Government of Pyongyang responded on June 27 of the same year by firing three short-range missiles from its eastern coast⁷⁶.

On July 11, 2016, the North Korean government issued threats of “physical actions” against South Korea and the United States, on the deployment by the latter of the so-called THAAD (Terminal High Altitude Area Defense) anti-missile system in the territory of South Korea. This was a new test of ballistic missile technology, in addition to previous nuclear tests carried out by Pyongyang in recent years.

As a result of these recurring crises, it is possible to foresee Japan and South Korea developing their own military nuclear programmes, in order to counteract the nuclear threat of North Korea. Both countries may cease to rely on the virtual nuclear deterrence offered by the US umbrella, as it becomes no longer possible to accept that their security depends solely on the effectiveness of their anti-missile systems in the face of the vagaries of the North Korean dictatorial regime⁷⁷.

It is worth noting here that Japan has considerable technological competence in the field of nuclear energy. Nowadays it is one of the great powers in terms of its civil use, with very advanced aerospace and laser technology; therefore, its existing capacity would allow it to manufacture and equip itself with atomic weapons within a very short time. Thus, while in legal terms Japan remains a non-nuclear-weapon state, in technical terms it is virtually capable of possessing nuclear arms. After all, its non-nuclearisation stance is merely a prudent political decision, as it feels comfortable with the current status quo⁷⁸.

74 See on [elmundo.com](http://www.elmundo.com/movil/noticia_detalle.php?idx=234575&), published on March 31, 2014, www.elmundo.com/movil/noticia_detalle.php?idx=234575& (consulted on April 15, 2016).

75 See TU noticia, published on April 4, 2014, on www.tunoticiapr.com/noticias-internacionales/1362451162-El-Ej%C3%A9rcito-surcoreano-prueba-un-misil-con-el-que-podra-atacar-a-Corea-del-Norte (consulted on April 16, 2016).

76 See on BBC, published on June 27, 2014, on http://www.bbc.com/mundo/ultimas_noticias/2014/06/140627_ultnot_corea_norte_misil_men (consulted on 16, April 2016).

77 WODKA-GALLIEN, Philippe, “*La Corée du Nord: nouvelle étape vers le statut d’État nucléaire*”, *Institut Français d’Analyse Stratégique (IFAS)*, n° 341, 2011, p. 4.

78 MERRA, Michael. *Réalités des programmes nucléaires en Asie du Nord-est*, Institut de Relations Internationales et Stratégiques (IRIS), Paris, 2009, pp. 2-3.

For its part, South Korea has shown signs of its intention to acquire nuclear weapons. It had signed up to a nuclear waste agreement with the United States in 1974 forbidding the reprocessing and enrichment of uranium. Finally, in April 2015, both States signed a new cooperation agreement (in force since November 25 of that year), which allows South Korea to reuse nuclear waste through the reprocessing of atomic fuel and a low grade of uranium enrichment; in principle, this allows it to produce energy, but not the use of nuclear materials for weapons.

This possibility was a long-standing demand from South Korea, as its electricity production depends to a large extent on nuclear energy and it must import all the fuel for its plants. However, the United States in its refusal to substantially revise the 1974 agreement claimed fears of a possible nuclear escalation in the Korean Peninsula⁷⁹.

Notwithstanding, South Korea might be tempted to take steps to rapidly equip itself with nuclear weapons⁸⁰. One should not forget that South Korea made an important move in this direction in the 1970s and 1990s, and the discovery of its nuclear programme did not prevent its clandestine testing programme until its cessation at the beginning of the year 2000, due to intense pressure from the IAEA and the United States⁸¹.

In addition to the possible triggering of a nuclear proliferation race in the area, the North Korean tests are awakening conflicts of a territorial nature in the region that had remained in a “relatively calm” state. A clear example of this hypothesis is the situation of Taiwan, which lives under the constant threat of the People’s Republic of China; the scenario of a Sino-Taiwanese war continues to fuel the imagination of both countries. A permanent sense of insecurity led the Taiwanese government to develop its own nuclear military programme during the 1970s and 1980s, which it later abandoned under international pressure. Today, the island state has all the necessary economic and technical instruments for the construction of a national deterrent force. It only lacks political will, and its disinterest is due to the security guarantees offered by the United States. Taiwan is aware that its own nuclear force would not be effective against mainland China, so it is essential to have US protection⁸². However, should

79 In fact, the United States has benefited for decades from this situation because it supplied a quarter of the enriched uranium that South Korea needed for its nuclear reactors. This agreement of 2015 is valid for twenty years, with its possible extension for another five years. Information published by the EFE Agency on November 25, 2015, available at <http://www.efe.com/efe/espana/mundo/corea-del-sur-puede-desde-hoy-enriquecer-uranio-tras-acuerdo-con-eeuu/10001-2773001#> (consulted February 15, 2016).

80 See for example MACK, A., “The Nuclear Crisis on the Korean Peninsula”, *Asian Survey*, vol. 33, nº 4, 1993, p. 344.

81 Intermittently, at the beginning of this century various media reports of plutonium processing tests in South Korea. See COURMONT, Barthélemy, *Les risques de prolifération nucléaire en Asie du Nord-Est*, CET, Paris, 2008, p.4.

82 COURMONT, Barthélemy, *op.cit.* p.5.

there be an increase in tension in the area attributable to North Korea, those security parameters could change and lead to Taiwan going down the route of furnishing itself with the atomic bomb⁸³.

As we have already mentioned, the North Korean population suffers periodic famines; its agriculture and livestock are insufficient to supply its population, and the country has serious energy supply problems. The regime is harassed and isolated, with no foreign exchange and no sources of funding -except the aid it receives in the form of food and fertilisers from China and South Korea. But on the other hand, the state has advanced technology for the manufacture of nuclear explosives and ballistic missiles that can sell at competitive prices.

In this sense, it is widely regarded that North Korea has exported atomic technology to Libya and Syria. Besides, although there is no evidence-based information, it is suspected that North Korea could be providing assistance to the Military Junta governing Myanmar to develop a clandestine nuclear programme; in fact, the two States signed a memorandum of military cooperation in 2009, although the lack of transparency of both regimes makes it impossible to certify the kind of cooperation involved⁸⁴. Should this be true, it would be the first Southeast Asian country to develop a nuclear programme, which could significantly alter the strategic scenario of countries such as the Philippines, Indonesia and Thailand, which have close ties with the United States. There are also suspicions that North Korea secretly assisted Syria in the construction of a reactor to produce plutonium.⁸⁵

The other side of the threat to international security posed by the North Korean nuclear programme concerns the proliferation of ballistic missiles. The export of such missiles and their technology has been common practice in North Korea when in a position to do so, with a long history of missile proliferation. According to some reports, North Korea has been responsible over 20 years for 40% of the export of missile systems in the world, and of short-range missiles in particular⁸⁶.

83 HARRISON, Selig S., "The New Face of the South Korea-U.S. Alliance and the North Korea Question", *The Korea Policy Review*, February 2006, pp.1-7.

84 The Republic of Myanmar Union has been governed since 1964 by a single-party totalitarian government that repressed its own population, ethnic minorities and political opposition. In recent years, there has been an uncertain process of political transition towards greater democracy and respect for human rights. Information from HIGUERAS Y RUMBAO, G., *Birmania, un futuro lleno de esperanza*, Instituto Español de Estudios Estratégicos, Opinion paper 81/2011, November 21, 2011.

85 Information extracted from CIRINCIONE, Joseph, WOLFSTHAL, John y RAJKUMAR, Miriam, *Deadly Arsenals: Tracking Weapons of Mass Destruction*, Carnegie Endowment for International Peace, Washington, 2002, p. 251; y AA.VV. *Le conflit autour du programme atomique Nord Coréen*, Center for Security Studies, n° 121, ETH Zurich, October 2012, p. 2.

86 Testimony of Joseph CIRINCIONE, of the Carnegie Endowment for International Peace, "The Ballistic Missile Threat", June 18, 2001, on <http://carnegieendowment.org/2001/06/18/ballistic-missile-threat> (consulted on February 12, 2015).

Countries that have received North Korean missiles include Iran, Pakistan, Libya, and Yemen, with Egypt also suspected of being on the list. It is important to note that Iran is believed to have received assistance from North Korea to secure its own missile production capacity, which would allow it to enter the missile export market; in fact, it is estimated that the capacities of Iran and Pakistan in this area are highly dependent on North Korean technology and equipment⁸⁷.

The biggest danger is that, as its population finds itself in dire economic straits, the DPRK would decide to sell nuclear-headed missiles in order to sustain its survival and maintain political control. Moreover, since the United Nations Security Council has prohibited its Member States from trading weapons with North Korea⁸⁸, the regime may be driven to seek new buyers, such as non-state actors and terrorist organizations. In this regard, it is well known that groups such as Hezbollah and the Sri Lankan Tamil Tigers have bought arms from North Korea in the past⁸⁹. In fact, on 15 July 2013, the Panamanian authorities seized a North Korean vessel travelling in the direction of Cuba transporting small arms, rockets and artillery ammunition⁹⁰.

Another no less important scenario is that a hypothetical collapse of the country due to foreign intervention or the outbreak of a war could be catastrophic, because it could lead to a situation whereby the authorities might lose control of the nuclear weapons or the installations where their technology is developed⁹¹.

Finally, North Korea's withdrawal from the NPT is considered an unprecedented event in its history and that of treaty law in general. This move could weaken the scope of the NPT by opening the door to other States that may be tempted to emulate it, which would pose a real threat to the consolidation of the nuclear non-proliferation regime.

87 See LARA FERNANDEZ, Belén, “Cooperación internacional en la lucha contra el terrorismo nuclear y riesgos de los “Estados fallidos” y de las redes de tráfico ilegal en relación con este terrorismo”, in MINISTRY OF DEFENCE (ed.), *Las armas NBQ-R como armas de terror*, CESEDEN Monographs n° 120, Ministry of Defence, Madrid, 2011, pp. 210-220.

88 As we have already seen, in 2006 the United Nations Security Council adopted Resolutions 1695 and 1718 for all countries to refrain from acquiring missile materials and technologies from North Korea; and in June 2009 it adopted Resolution 1874, tightening sanctions on the North Korean regime and prohibiting the purchase of any type of weaponry from the country, imposing sanctions on anyone who did so.

89 INTERNATIONAL CRISIS GROUP, “North Korea under Tightening Sanctions”, *Asia Briefing* n° 101, March 15, 2010, on www.crisisgroup.org/en/regions/asia/north-east-asia/north-korea/B101-north-korea-under-tightening-sanctions.aspx (consulted on April 30, 2014).

90 BBC News item, “Lo que se sabe del barco norcoreano retenido en Panamá”, published on July 16, 2013, on www.bbc.com/mundo/noticias/2013/07/130716_panama_corea_norte_armas_cuba_buque_jp (consulted on September 15, 2015).

91 LARA FERNÁNDEZ, Belén, *op.cit.*, pp. 235-237.

CONCLUSION

North Korea's nuclear programme is likely to profoundly alter the parameters of the balance of regional security. Regional complexities and the multiplicity of players complicate the situation even further. On the other hand, the interference of international actors fuels these policies and further complicates the situation, thus consolidating the image that the possession of these weapons constitutes a useful guarantee to maintaining security.

As we have seen, the threat posed by this nuclear programme is multidimensional, because along with the phenomenon of nuclear proliferation, there are other interrelated epiphenomena or secondary risks that mutually feed off one another.

The continuity of the hereditary regime marks the great strategic objective of the DPRK. Since the end of the Cold War, the hermetic nature and the isolation of the North Korean regime have increased. The need to ensure the dynastic transfer of power requires the reinforcement of its defence policy through the development of a nuclear programme; it also requires the generation of periodic crises, requiring a demonstration of the power and prestige necessary to maintain the authority of the regime. Faced with this reality, it is unlikely that sanctions and international pressure, despite their effects on the country, will manage to persuade the Kim regime to abandon its nuclear programme.

Notwithstanding, North Korea endeavours to keep negotiations with the United States and the Group of Six on track, on the one hand to benefit from the economic and technical support that serves to maintain its power and, on the other, to build the trust it needs from international society and make progress with its nuclear programme.

Affirming itself as an increasingly credible nuclear and ballistic power, Pyongyang is playing a dangerous game that could, in short, enable it to finally achieve what the regime desperately hoped for in the 1950s: a place in the "Concert of Nations", a role of power that guarantees the survival of his regime.

With its fifth nuclear test, North Korea wanted to show the world that it has mastered the required technology for the manufacture of nuclear warheads and launch vectors. For its adversaries and its allies alike, the case of North Korea is a problem. The road to negotiation and the means of coercion are limited by the rapid advance of the North Korean nuclear and ballistic programme. The development of the latter offers a more favourable negotiating position, as it makes it more difficult to return to the status quo. This reality poses a huge challenge for the international community. The question now is how to convince North Korea to "denuclearise" given that it has already registered its nuclear power status in its Constitution and proclaims its willingness to use nuclear weapons should its sovereignty be threatened.

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