

Assessing the Effectiveness of Security Assurances on the DPRK's Nuclear Issue

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In the Democratic People's Republic of Korea (DPRK)'s case of nuclear proliferation, less attention has been paid to the role of security assurances. This paper seeks to assess the role of security assurances for the DPRK provided by the UN, the Soviet Union, China, and the United States and to figure out why these assurances are less effective to bridle its nuclear ambition. It argues that an effective security assurance for nuclear non-proliferation should meet at least two conditions. Firstly the security assurance should be credible, which can be realized by being publicized, legally binding, and infusing with further commitments. Secondly, the security assurance tailored to the unique features of the target state's concerns is more likely to be effective. Using this set of criteria, the only moderately effective assurance is that provided by the Soviet Union. The general security assurance of the UN is neither legally binding nor specifically targeted. The alliance with China exists only on paper as Pyongyang believes Beijing is reluctant to fulfill its obligation as an ally. The United States is taking a capricious attitude on the DPRK and none of its security assurances are legalized or address its major concern of regime survival. These may help explain why security assurances failed to prevent the DPRK from acquiring nuclear weapons.

Keywords: security assurance, effectiveness, DPRK, nuclear nonproliferation, Soviet Union, China, United States

Introduction

After conducting a series of nuclear and ballistic missile tests, the nuclear proliferation of the Democratic People's Republic of Korea (DPRK) has already become a serious problem. Though there is much existing research on it, the role of security assurances, which can be defined as commitments to ensuring others' security, has received much

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less attention despite its possible value. The DPRK received security assurances from four entities: collective security assurances under the framework of the United Nations (UN), security guarantees offered by the Soviet Union and China, and negative security assurances committed by the United States. Unfortunately, none of these assurances worked out to roll back the DPRK's nuclearization after the Cold War. This paper seeks to assess the role of security assurances in the DPRK's nuclear issue and to figure out why security assurances have been ineffective in dissuading it from acquiring nuclear weapons.

Existing Literature on Motivations for Nuclear Proliferation

The existing literature has identified three camps of explanations on the motivations for nuclear proliferation.¹ Firstly, a state may pursue nuclear weapons to ensure its own security against neighboring nuclear or overwhelming conventional threats.² Secondly, the domestic bureaucratic system or its orientation to the global economy may influence the nuclear trajectories.³ Thirdly, developing nuclear weapons can help to build up international prestige as well as to fulfill national identity.⁴

The argument of this paper on the DPRK's proliferation falls in the first camp of the security-driving model, but tries to add new dimensions based on it. This paper argues that though a security threat can be a necessary condition for a state to acquire nuclear weapons, it may not be sufficient to make such a decision, because a state may have other choices to ensure its own security besides self-reliant measures. For example, these may include seeking an external security commitment from an ally that is obliged to provide assistance, or from other international security regimes designed for conflict resolution among member states. In this perspective, security assurances provided by others can play a role in a state's nuclear behavior. For instance, the security assurances offered by the United States successfully dissuaded the Republic of Korea (ROK) and Japan from acquiring nuclear weapons. However, the existing literature paid relatively less attention to the possible value of security assurances in the DPRK's case of nuclear proliferation. This suggests that it is worthwhile to explore further.

Turning to the DPRK's case, existing literature argues that its nuclear activity is probably driven by the perceived hostility of the United States and the conventional and nuclear forces deployed nearby, its inward orientation that prevents it from integrating into the global economic system, its strategy to pressure the South to seek reunification when it may have a disadvantage in conventional forces, and its desire to demonstrate national power and prestige as well as to consolidate the legitimacy of the regime. Apart from these, the lack of effective security assurances could also be an important factor that helps to explain the DPRK's case of proliferation.

Security Assurance and Its Role in Nuclear Nonproliferation

The Connotation of Security Assurance

Security assurance refers to efforts to assure states against threats and aggressions. Nuclear non-proliferation related assurances usually entail two implications: the first is the promise that non-nuclear-weapon states (NNWS) should be free from nuclear aggression and threat; and the second is the arrangement that NNWS will get assistance if they are attacked or threatened by nuclear weapons. Based on this, security assurances can be divided into two types, one is positive and the other is negative. Positive security assurances refer to the promise to come to the aid of NNWS in case they are threatened or attacked by nuclear weapons. Negative security assurances are promises not to use or threaten the use of nuclear weapons against NNWS.⁵

Why is Security Assurance Important in Nuclear Nonproliferation?

The anarchy of the international system is the fundamental root of insecurity and states usually have three approaches to ensuring security: multilateral, bilateral or unilateral.

The multilateral way is primarily to rely on the collective security regime. Collective security is founded on the premise that an attack on any one state will be regarded as an attack on all states. It would prevent war by providing a deterrent to aggression, namely, to defend the interests of peace-loving states in war by concentrating a preponderance of power against the aggressor.⁶ Two principles encompass the collective security regime: the principle of deterrence, referring to the fact that an attempt to initiate the use of force against another state will be met by the immediate formation of a counter-coalition of states acting in defense of the target of the aggression; the principle of universality, referring to the fact that all member states have a consensus on who is the aggressor, concede to fight against it and have the flexibility to join in active opposition to the aggressor.⁷ A specific example is the UN. According to its Charter, “all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.” “All members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.”⁸ These articles qualify the UN system as having collective security features.

Collective security assurance works out in ensuring nuclear non-proliferation, for it offers both negative and positive assurances to NNWS. Against the backdrop of the 1995 *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) Review Conference, the five nuclear powers formally gave a joint assurance to all NNWS parties to the NPT on the restrictions of using nuclear weapons as well as the necessity to provide assistance in accordance with the relevant provisions of the Charter in the event that such states are the victims of nuclear weapons threat or attack.⁹ But these assurances are publicized in

separate official documents instead of being included in the text of the legally binding treaty.

Bilateral approaches are security arrangements between two sovereign states. The most common way is by forming alliances. In most cases, an alliance means that member states shall strengthen their cooperation and mutual assistance in political, military and security areas. An alliance differs from the collective security regime in its objective, because an alliance is outside-targeted and allies usually share the same enemy, while collective security is inside-targeted with its aim at preventing conflicts among member states and no common enemy is set in advance. Mutual assistance treaties provide positive assurances by regulating the obligation of providing assistance when either side is facing an attack. Apart from that, offering negative security assurances such as promising not to use or threaten to use nuclear or conventional weapons against each other is also a bilateral way to ensure security.

Bilateral approaches have the effect of constraining nuclear proliferation in two respects. On one hand, when facing nuclear threats and aggressions, the nuclear-weapon-state (NWS) can provide a nuclear umbrella, which implies the capability to extend nuclear deterrence over allies against the aggressor. Thus, a robust alliance offers a positive security assurance for allies to bridle their own nuclear ambitions, such as the nuclear umbrella provided by the United States, which played a positive role in dissuading some of its allies from pursuing nuclear weapons. On the other hand, giving negative assurances works by taking preventive measures before an escalation of conflict might happen. It seeks to achieve security with the opponent rather than simply against it by deterrence. But there are many reasons to doubt the sincerity of negative assurances between two rivals.

The multilateral and bilateral approaches both seek help from the outside. However, when neither of these approaches work out, the unilateral self-reliant security is the most reliable and also the ultimate way for a state to ensure its security. That is to say, when a state is facing the threat of nuclear weapons with no effective security assurance available, it then has a strong incentive to go nuclear. In this perspective, the DPRK is a specific example where a state ensures security by self-reliance when perceiving neighboring security threats while reliable security assurances from the outside are almost unavailable.

Factors Contributing to an Effective Security Assurance

Although offering security assurances can be a solution, not all security assurances are highly effective. An effective security assurance should satisfy at least two conditions: firstly, the security assurance should be credible, and secondly, it must be tailored to what the target state is concerned about.

An effective security assurance must be credible in the first place. A credible security assurance can be realized through the following three incremental approaches: First, a publicly declared security assurance tends to be more credible. The reason is that

announcing security assurances to the public will have to suffer audience cost, which means the outcome of the event is not only shaped by the decision-making process, but also expected by other states and its own public. And breaking the promise afterwards may cause damage to the state's reputation and the government's standing among domestic constituencies.¹⁰ But the fact is that a publicized commitment can be easily reversed regardless of the credit losses. Hence, the second approach, the legally binding security assurances, is often of higher credibility compared to those that are simply openly declared. One way to obtain the legally binding security assurance is to engage in a mutual assistance treaty stipulating the obligation of extending assistance when either side suffers an attack. A legalized international treaty binding NWS collectively to offer security assurances for target states is another possible way to enhance the credibility of the security assurance. The third approach is that follow-up must be added to the assurance, whether it is legally binding or not. The mutual assistance treaty that only exists on paper is insufficient to assuring the target state of the patron's commitment. In order to dispel periodic doubts from the target state that the assurance offered by the treaty or else might not be carried out when needed, further commitments are required to diminish the distrust in between so as to ensure the validity of the security assurance.

A security assurance tailored to the unique features of the target state's major concerns is more likely to be effective. Nuclear proliferation does not occur in general. Instead, it takes place in specific countries with specific international and domestic circumstances, hence, policies to prevent nuclear weapons development must also focus on individual countries.¹¹ In most cases, nuclear proliferation is motivated primarily by a security threat. For example, the emergence of a neighboring NWS and the deployment of nuclear weapons nearby can trigger a nuclearization option. Therefore, security assurances tailored to the target state's threat perception, specific strategic culture and decision-making procedure to address its major concerns may have a higher possibility of being effective than general security assurances. The security threats perceived by the DPRK mainly come from the instability on the Peninsula after the Korean War and the deployment of the U.S. troops and even nuclear forces near its border. These are external security concerns for the DPRK to go nuclear. Still, there are other reasons, and one of these mostly concerned by the North Korean leadership is the legitimacy of the regime. By developing nuclear weapons, they want to obtain both the deterrence to the external security threat and the bargaining leverage to ensure its regime survival.

Analyzing Security Assurances for the DPRK

Since 1961, the DPRK has obtained both positive and negative security assurances mainly from four entities at different points in time: security assurances committed by NWS under the framework of the UN, the alliance treaty with the Soviet Union and China respectively, and primarily negative security assurances given by the United States. However, these security assurances failed to roll back North Korea's nuclearization after the Cold War. Using the set of criteria proposed above, the low

effectiveness of security assurances may help to explain the failure.

The Collective Security Assurance

The collective security regime of the UN offers general security assurances to all NNWS parties to NPT. The UN Charter declares that all members shall refrain from the threat or use of force against any other state. In the guidance of this principle, five nuclear powers gave their own security assurances, respectively. In the 1995 NPT Review and Extension Conference, much effort was made to convince the NNWS parties to the NPT to concede to the indefinite extension of the treaty, and a series of individual official statements of nuclear policy as well as security assurances were made by the five in April 1995. These documents were collectively incorporated and acknowledged by the *UNSCR 984*. Apparently, the DPRK is covered by these security assurances as an NNWS as well as a party to the NPT at that time.

Russia declared the assurance as: “Russian Federation will not use nuclear weapons against non-nuclear-weapon states parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the Russian Federation, its territory, its armed forces or other troops, its allies or on a state toward which it has a security commitment, carried out or sustained by such a non-nuclear-weapon state in association or alliance with a nuclear-weapon state, and will immediately bring the matter to the attention of the Security Council and will seek to ensure that they provide, in accordance with the Charter, necessary assistance to the State that is a victim of such an act of aggression or that is threatened by such aggression.”¹² The United Kingdom (UK) and France made similar assurances to all NNWS parties to the NPT in most respects.¹³

On the restrictions of using nuclear weapons, China went one step further by promising not to use or threaten to use nuclear weapons against NNWS or nuclear-weapon-free zones at any time or under any circumstances. This commitment applied to NNWS parties to the NPT or NNWS that have entered into any comparable internationally binding commitment not to manufacture or acquire nuclear explosive devices. China also promised to undertake necessary assistance to any NNWS that comes under attack with nuclear weapons, and impose strict and effective sanctions on the attacking state.¹⁴

The United States, as the major source of the security threat that the DPRK perceived, made a conditional no use of nuclear weapons assurance similar to that of Russia, the UK and France.¹⁵ More importantly, the United States made a commitment particularly focused on the DPRK apart from a one-to-all security assurance. The U.S. Assistant Secretary of State Richard Solomon said “the United States poses no nuclear threat to the DPRK...the United States has provided a solemn assurance that it will not use nuclear weapons against any non-nuclear state party to the NPT, except in the case of an armed attack on the United States or its allies by such a state associated with a nuclear-weapon state. This assurance applies to non-nuclear-weapon state parties to the NPT, including the DPRK, if they meet the assurance’s criteria.”¹⁶

By making a public commitment to refraining from using nuclear weapons against NNWS parties to the NPT, and supporting actions within the UNSC to provide necessary assistance, the five nuclear powers offered negative and/or positive security assurances to all NNWS complying to the NPT. However, these assurances are of low effectiveness in reality. Four reasons account for this result.

Firstly, these assurances are not that credible though publicly announced, because publicized commitment can be reversed at a relatively low cost. A specific example is the changes to Moscow's nuclear policy. The Soviet Union used to make an unconditional no use of nuclear weapons on NNWS previously in the 1978 UNGA Special Session on Disarmament by declaring it would "never use nuclear weapons against those states which renounce the production and acquisition of such weapons and do not have them on their territories."¹⁷ But Moscow's statement changed in 1995 by adding exceptional occasions, aligned it with the United States, the UK and France. The security assurances could be easily revised because none of them were added into the text of the legalized NPT, hence the existing collective security assurances on nuclear non-proliferation are all from public declarations instead of the legally binding treaty per se.

Secondly, the U.S. assurance of refraining from using nuclear weapons has exceptions. For example, even if the DPRK was a non-nuclear party to the NPT, if it attacks the ROK, an ally of the United States, no matter with or without nuclear weapons, the United States could retaliate against the DPRK with nuclear weapons, because according to the U.S. declared nuclear policy, the exceptions of no use on NNWS included cases of an invasion or any other attack on U.S. allies or a state toward which the United States has a security commitment, carried out or sustained by a NNWS in association or alliance with a NWS. For this reason, the security assurance provided by the United States under the UN framework is merely a hollow promise for the DPRK.

Thirdly, because of the veto system, any action taken by the UN Security Council in accordance with its Charter requires the unanimity of the Permanent Five. Although those security commitments to NNWS include the positive assurance of providing assistance in case of a nuclear attack or threat, it is quite difficult for the five nuclear powers, probably because of their conflicting national interests, to reach a consensus on who is the aggressor and whether it is necessary to take actions based on the Charter. That is why collective security was rarely carried out during the Cold War.

Fourthly, these security assurances provided by NWS are primarily general assurances and not tailored to one of the DPRK's major concerns, namely, the concern on regime survival. What the DPRK sought was a package deal of assurances on both national security and regime legitimacy and stability. However, these all-to-all security assurances are more generally focused instead of addressing the DPRK's special demand, let alone the fact that there are still too many details to deal with when put into practice. Although the United States might have given a more targeted assurance in line with the general one of posing no nuclear threat to the DPRK, the entrenched hostilities could largely discount the effectiveness.

The Security Assurance of the Soviet Union

The close relationship between the Soviet Union and the DPRK was brought by the *USSR–DPRK Treaty of Friendship, Cooperation and Mutual Assistance* signed on July 6, 1961. The Soviet Union and the DPRK established an alliance according to Article I of the treaty declaring “should either of the Contracting Parties suffer armed attack by any State or coalition of States and thus find itself in a state of war, the other Contracting Party shall immediately extend military and other assistance with all the means at its disposal.”¹⁸ The Soviet Union acted as the DPRK’s biggest patron in sustaining the DPRK’s national defense and economic development during the Cold War era as it supplied Pyongyang with large quantities of resources, which included economic and technological assistance, sophisticated military equipment and personnel training. More importantly, because of the similarity of the two countries’ political systems, not only the DPRK’s national security, but also its regime survival could be guaranteed under the Soviet security assurance. The DPRK had little motivation to pursue nuclear weapons when it was collaborating closely with the Soviet Union in all respects. However, the Soviet scientific and technological assistance impelled the DPRK’s research and development on nuclear capability and facilities, which might have laid the foundation for its pursuit of nuclear weapons in the future.

At the beginning of the 1990s, the close relationship between the Soviet Union and the DPRK faced challenges when the Soviet Union began gradually swinging to the ROK. During the final years of the Soviet Union, as a result of the ROK’s successful Nordpolitik and the Soviet willingness to reconcile with the West, Moscow strengthened its ties with Seoul, despite the DPRK accusing the Soviet Union of switching to a “two Koreas” policy and increasing tension on the Peninsula. In addition, Moscow joined the effort to force the DPRK to submit to IAEA safeguards by warning the DPRK that it would cut off all nuclear supplies and cooperation unless Pyongyang agreed to international inspection.¹⁹ The DPRK, showing its anger over the Soviet Union’s betrayal, published a contemptuous statement accusing Soviet leader Gorbachev of selling his principles for dollars.²⁰ Regardless of the DPRK’s objections, the Soviet Union established diplomatic relations with the ROK in September 1990. Although Moscow tried to reassure Pyongyang by saying that “our country will continue to maintain and promote in all ways its traditionally close political, economic and other ties,”²¹ the normalization of USSR–ROK relations indicated that Moscow was alienating the North while tilting toward the South.

After the collapse of the Soviet Union in 1991, the disagreement between Moscow and Pyongyang deepened. Russia and the DPRK first diverged economically. Because of the boosted economic ties between Russia and the ROK, the value of trade between them increased from \$889 million in 1990 to \$2.2 billion in 1994 and \$3.3 billion in 1997, while the value between Russia and the DPRK fell constantly from \$600 million in 1992 to \$115 million in 1994 and \$90 million in 1997.²² Also, trapped in the economic crisis, Russia was unable to provide Kim Il Sung and Kim Jong Il’s regime with a large amount of assistance as it did before.

Furthermore, Russia and the DPRK also diverged ideologically and politically. The new Russian government, eagerly hoping to get rid of the Cold War legacy and integrate into the West, was pursuing a de-ideologization of foreign policy and orienting toward the United States and the European Community. Consequently, its former allies, including the DPRK, were overlooked. In this situation, the alliance between Moscow and Pyongyang came to an end. In September 1995, the Russian Foreign Ministry informed the DPRK that it would not renew the *1961 Treaty of Friendship, Cooperation and Mutual Assistance* after the treaty expired in 1996. Russia considered Article I of the 1961 accord, which obliged the Soviet Union to provide military assistance in defense of the DPRK, to be “non-operative.”²³

The security assurance offered by the Soviet Union for the DPRK was relatively credible as there was a legally binding alliance treaty in between and also was tailored to the DPRK’s need of bolstering its national defense and economy as well as regime stability. Hence, the Soviet assurance extended to the DPRK played a role in stabilizing the Peninsula and dissuading the DPRK from acquiring nuclear weapons during the Cold War era. But the security assurance offered by the Soviet Union was nullified as a result of the drastic international structural changes.

The Security Assurance of China

While the Soviet Union acted as a major buttress of the DPRK, China also played a supplementary role. Only five days after the alliance treaty with the Soviet Union was signed, Pyongyang concluded the *Sino–DPRK Treaty of Friendship, Cooperation and Mutual Assistance* with Beijing. Similar to the treaty with the Soviet Union, Article II of this treaty stipulated that “the Contracting Parties undertake jointly to adopt all measures to prevent aggression against either of the Contracting Parties by any state. In the event of one of the Contracting Parties being subjected to the armed attack by any state or several states jointly and thus being involved in a state of war, the other Contracting Party shall immediately render military and other assistance by all means at its disposal.” Also, Article VII regulated that “the present Treaty will remain in force until the Contracting Parties agree on its amendment or termination,”²⁴ which implies that the treaty is still valid in terms of law since no such agreement has been reached yet.

However, the dramatic changes after the Cold War added uncertainties to Sino–DPRK relations. In response to the changing international situation, China made some adjustments to its foreign policy. In keeping with senior leader Deng Xiaoping’s call for faster economic change, China hoped to increase contact with countries of the previous Western camp, including the ROK, in order to expand the space for international exchanges and create a good environment for the priority of economic development and modernization.²⁵ As a consequence, on August 24, 1992, China established diplomatic relations with the ROK. Pyongyang perceived it as another heavy blow after the Soviet Union did likewise two years earlier and grew increasingly anxious at the prospect of its only patron improving relations with the South.²⁶ Although Beijing told Pyongyang that its recognition of the ROK would not affect the 1961 treaty and China would guarantee

the continued existence of the DPRK,²⁷ the increasing economic interdependence as well as the strengthening political ties between China and the ROK seemed to gradually reduce the likelihood that China would fulfill its obligation to aid the DPRK in Pyongyang's eyes.

Moscow's abandonment as well as Beijing's policy shift aggravated the DPRK's security concerns. According to the memoir of former U.S. Secretary of State Madeleine Albright, who was one of the most senior U.S. government officials in office to visit Pyongyang in October 2000, when talking face-to-face with the DPRK's leader Kim Jong Il, he justified that the DPRK armed their own military as part of a self-reliance program. "It has been ten years since the collapse of the USSR, the opening of China, and the disappearance of our military alliance with either country. The military wants to update its equipment..."²⁸ Kim's words implied that the DPRK was rather anxious about the impact brought by the structural changes and was doubting that its two previous patrons might no longer be willing to fulfill the previous assurances.

Another adjustment made by Beijing was turning to the non-alignment policy and adopting the approach of multilateral cooperation, which refrained it from infusing further commitment to the bilateral alliance. According to the white paper enacted by the Chinese government on China's foreign policy, "China does not form alliance with any other country or group of countries, nor does it use social system or ideology as a yardstick to determine what kind of relations it should have with other countries."²⁹ For this reason, China avoided talking about its alliance with the DPRK and then joined the multilateral effort of denuclearization on the Peninsula. In China's Foreign Ministry press conference held on the following day after the DPRK's first nuclear test on October 9, 2006, when asked about the DPRK as China's "close ally," the spokesperson denied any military alliance existing between the two countries. Instead, he answered that, "China is a non-alignment country and will not establish alliance with any other state. The relations between China and the DPRK are normal state-to-state relations based on international relations principles."³⁰ Separately from this, China's Foreign Ministry spokesperson made similar statements to describe the Sino-DPRK relations as "normal state-to-state relations" in 2009 and 2013, respectively.³¹ China's will to disengage from the nominal alliance was not only expressed in official statements, but also carried out in practice. According to the ROK's former president Lee Myung-bak's memoir published in 2015, in December 2010, one month after the DPRK shelled Yeonpyeong Island and pushed the Peninsula to the brink of war, then Chinese President Hu Jintao's special envoy, Dai Bingguo, flew to Pyongyang and talked face-to-face with Kim Jong Il. Dai warned Kim: "If North Korea would first attack South Korea and, as a result, there were full-scale arms clashes, China would not aid North Korea."³² All of these may suggest that the alliance between China and the DPRK had fallen into serious trouble.

China's security assurance was not as effective as it potentially could be to constrain the DPRK's nuclear ambition. China's security assurance used to be relatively credible as the treaty was endowed with the binding force of law. In addition, both China and the Soviet Union's security assurances bolstered the DPRK's regime because of the similarity of their socialist systems. Hence, China's security assurance should have

had some effectiveness if everything went well. However, China refrained from infusing further commitment to assure the DPRK, and its effort to disengage from the burdensome alliance objectively did no good to prevent it from going nuclear.

Security Assurances of the United States

The DPRK received security assurance from the United States despite that the United States being a major security threat from Pyongyang's perspective. Those security assurances, mostly negative, were provided by the United States at different points in time after the DPRK went on the track of pursuing nuclear weapons.

U.S.–DPRK Agreed Framework of 1994

In the 1980s, the United States identified evidence of nuclear activities in the DPRK by satellite detection and intelligence that the DPRK was recruiting nuclear scientists after the Soviet collapse.³³ In 1992, the DPRK finally acceded to the IAEA safeguard agreement, and agreed to invite international inspectors to make verifications after the United States declared its intent to withdraw all deployment of ground and sea-launched tactical nuclear weapons, including those stationed in the ROK. North and South Korea reached an agreement to not test, manufacture, produce, receive, possess, store, deploy or use nuclear weapons.³⁴

However, tensions brewed when the inspectors were denied access to two sites that they suspected as storing nuclear wastes, and the IAEA accused the DPRK of lying on their nuclear activities. After a series of disputes, the DPRK threatened to withdraw from the NPT. The United States agreed to hold direct high-level dialogues with the DPRK in order to find a solution.

Though there were twists and turns, President Clinton's promise to "use full powers of my office" accelerated the process. Then the *Agreed Framework* was concluded in October 1994 after years of battling. According to the text, the United States promised to "provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the U.S" while the DPRK would remain a party of the NPT and "consistently take steps to implement the *Joint Declaration on the Denuclearization of the Korean Peninsula*."³⁵ By promising not to use or threaten to use nuclear weapons, the United States gave negative assurances to the DPRK. Besides, the United States also offered positive assistance by initiating the establishment of the Korean Peninsula Energy Development Organization (KEDO) to monitor the construction of energy supplying projects of light-water reactor power plants to compensate for the loss of nuclear power. With the projects slowly pushing forward, the high-level exchanges between the United States and the DPRK continued.

U.S.–DPRK Joint Communiqué of 2000

In the late 1990s, the Korean Peninsula fell to instability again due to the DPRK's launch of a Taepo-dong missile over Japan's airspace. The former U.S. Defense Secretary William Perry successfully defused the crisis. On reviewing the U.S. policy

toward the DPRK, Perry suggested that the *Agreed Framework* should be preserved and implemented, and it was more advantageous for the United States to take an integrated approach toward the DPRK.³⁶ This policy implication was adopted by President Clinton. As a reflection, the *U.S.–DPRK Joint Communiqué* was released during the special envoy of Kim Jong Il, Jo Myong Rok's visit to Washington. The highlighted part of the *Communiqué* is that both sides claimed "neither government would have hostile intent toward the other and confirmed the commitment of both governments to make every effort in the future to build a new relationship free from past enmity."³⁷ The "no hostile intent" assurance played a positive role in relieving tensions as well as to lay the foundation of other high-level exchanges. Twelve days later, the U.S. Secretary of State Madeleine Albright went on a two-day visit to Pyongyang. She was thought to have made way for a possible future visit of President Clinton.

However, the biggest obstacle for the rapprochement proved not to be the troublesome bilateral relations, but the fact that President Clinton's tenure was ending. Clinton left office three months after Albright's visit, with the DPRK's nuclear issue unsettled. After President Bush was inaugurated, almost all of Clinton's previous policies faced an overthrow.

Joint Statement of the Six-Party Talks of 2005

The Bush Administration took a much harsher stance toward the DPRK. When Assistant Secretary James Kelly visited Pyongyang in October 2002, the smell of powder filled the air, because the United States had found evidence of the DPRK's secret operation of a uranium enrichment program. The two sides then criticized each other for violating the *Agreed Framework*. Consequently, the United States halted the fuel oil shipment and the DPRK restarted the nuclear activities that had been frozen after the agreement was concluded. The *Agreed Framework* officially fell apart. Worse still, enraged by America's hostile stance, the DPRK again announced its withdrawal from the NPT in January 2003. On a trilateral talk in Beijing among the United States, the DPRK, and China in April 2003, the DPRK told the U.S. delegation that it possessed nuclear weapons, the first time that Pyongyang had made such an admission.³⁸

In August 2003, in response to the DPRK's withdrawal from the NPT, the United States, Russia, China, Japan, the ROK and the DPRK went on a multilateral diplomatic process, known as the Six-Party Talks. After four rounds of negotiations, on September 19, 2005, substantial progress was made with the adoption of a joint statement in which the DPRK pledged to abandon its nuclear weapons activities and return to the NPT in exchange for security assurances and energy assistance. The United States made negative security assurances again by affirming that it had no nuclear weapons on the Korean Peninsula and no intention to attack or invade the DPRK with nuclear or conventional weapons.³⁹

However, tensions simmered right after the statement was made. On October 9, 2006, the DPRK conducted its first nuclear test. In the following years, denuclearization efforts suffered major setbacks. Consequently, in April 2009, the DPRK declared it would no longer be bound by agreements reached in the Six-Party Talks after a series of increased tensions.

Nuclear Posture Review of 2010

With the situation of the Korean Peninsula deteriorating, the Obama Administration of the United States did not offer a security assurance focused explicitly on North Korea, but it did send good will. In the *Nuclear Posture Review* (NPR) enacted in April 2010, the United States made a clear statement that it would adopt a strengthened “negative security assurance”: the United States would not use or threaten to use nuclear weapons against non-nuclear weapon states that are parties to the NPT and in compliance with their nuclear non-proliferation obligations.⁴⁰ This is a change to America’s previous conditional negative security assurance under the NPT. Though it was still generally focused, the U.S. government did express its intent that this policy was also a strong message for states like Iran and North Korea. When asked about how concerns about countries still on track to becoming nuclear capable played into formulating this review, Secretary of Defense Robert Gates answered: “The NPR has a very strong message for both Iran and North Korea, because whether it’s in declaratory policy or in other elements of the NPR, we essentially carve out states like Iran and North Korea that are not in compliance with NPT.”⁴¹

However, the DPRK’s response to the new NPR was negative. On April 9, a Foreign Ministry spokesperson pointed out that the new NPR left the DPRK as a target for nuclear retaliation which was no different from the hostile policy of the early Bush Administration. The spokesperson also criticized the new NPR for backtracking the assurance made in the 2005 joint statement of no intent to attack or invade the DPRK with nuclear or conventional weapons.⁴²

U.S. Secretary of State Rex Tillerson’s Speech of 2017

The Trump administration took a different approach of maximum pressure toward the DPRK. As a mirror of this coercive policy, the latest *Nuclear Posture Review* published in January 2018 accused North Korea of posing an urgent and unpredictable threat to the United States, its allies, and partners. Therefore, its illicit nuclear program must be completely, verifiably, and irreversibly eliminated.⁴³ The 2018 version overturned the previous one by declaring that the United States would consider the employment of nuclear weapons in extreme circumstances, including significant non-nuclear strategic attacks on the United States, its allied or partner civilian populations, infrastructure and so on,⁴⁴ a warning that the United States may use nuclear weapons against North Korea in conflicts on the Peninsula.

But the U.S. policy toward the DPRK showed some disarray at this time. On August 1, 2017, then Secretary of State Rex Tillerson called for a dialogue with North Korea. In his speech, he made such promises as: “We do not seek a regime change, we do not seek a collapse of the regime, we do not seek an accelerated reunification of the Peninsula, we do not seek an excuse to send our military north of the 38th Parallel.”⁴⁵ Tillerson’s words might have been seen as a negative assurance, more importantly, his commitment touched upon the DPRK’s major concern of regime survival. However, the conflicting signals continued. Almost at the same time as when Tillerson said the United States was against toppling Kim Jong Un’s government, then CIA director, who was also Tillerson’s

hawkish successor, Mike Pompeo, said that the administration needed to find a way to separate Kim from his growing nuclear stockpile.⁴⁶

Joint Statement at the Singapore Summit of 2018

The Korean Peninsula situation seemed to reach a turning point in 2018. After a series of peace offensives by Kim Jong Un's government during the Winter Olympic Games and a voluntary moratorium on nuclear and missile testing, the North and South then went on a track of reconciliation. On the Panmunjom summit in April, both sides agreed to the complete denuclearization of the Korean Peninsula, and to eliminate war risk to realize a permanent peace regime on the Peninsula.⁴⁷

It was in this backdrop that the Trump–Kim Summit, focused on the denuclearization of the Korean Peninsula and improvement of bilateral relations, was held two months later in Singapore. According to the official statement, the issue of security assurances was mentioned in the summit as “President Trump committed to provide security guarantees to the DPRK.”⁴⁸ But the “security guarantees” were unspecific and there was no further explanation on the type and content of them. President Trump and Chairman Kim met again in Vietnam the following year, but the meeting ended with no agreements.

Summary on U.S. Security Assurances

Up to now, the United States provided no effective security assurances for the DPRK. Three reasons account for it.

Firstly, the security assurances offered by the United States are less credible because they are neither legally binding nor with substantial follow-up of further commitments. The legalization of security assurances is hard work. According to the U.S. Constitution, the Senate owns the power to make treaty ratifications. However, the U.S. Congress is more ideologically favored, hence approving a treaty concluded with the DPRK accommodating its demands could be very difficult in surviving strong opposition in Congress. For this reason, almost all of the pacts with the DPRK took the form of either a presidential executive agreement or simple verbal commitments instead of a formal treaty which is legally binding. Clinton endeavored to settle the problem by reaching an executive *Agreed Framework* to avoid the scrutiny of the Republican–dominant Congress. But the Congress inevitably became involved in the implementation and verification process because of the budgetary and appropriation clauses. Consequently, the terms of the agreement were strongly criticized and overturned after President Bush, who was highly skeptical of Clinton's deal, assumed office in 2001. Past experience made it clear that non-legalized assurances could be easily reversed as a result of government changes and the U.S. assurances turn out to be weak commitments.

Secondly, most of the security assurances did not give a commitment to the DPRK's major concern, namely, the concern for regime survival. Not only the U.S. deployment of nuclear forces and troops, but also the U.S. hostility toward its regime are perceived by the DPRK as major threats. The Bush administration's *Nuclear Posture Review* proposed in December 2001 listed North Korea, which was still an NPT signatory then,

as one state the United States might target nuclear weapons against.⁴⁹ Also, its *2002 National Security Strategy* named North Korea as a “rogue regime” against which “the United States will, if necessary, act preemptively.”⁵⁰ Facing the entrenched hostilities, the DPRK was anxious for an assurance on its regime survival, but the nuclear-focused assurances of the United States rarely explicitly addressed Pyongyang’s major concern. Although Tillerson’s speech in 2017 touched upon this point by promising the United States was not seeking to overthrow Kim’s regime, his words were quickly reversed by his successor.

Finally, to ensure that the ROK will continue to rely on the alliance partnership, the United States refrains from making highly effective security assurances to the DPRK. The United States is endeavoring to strike a delicate balance between the North and the South because the state of war is yet to be ended after the *Korean Armistice Agreement* was signed in 1953. In this case, the United States has to find a way to solve the contradiction between its pledge for the North to not use or threaten to use nuclear weapons against it, and the objective of the alliance with the South to deter the North. The DPRK demands a concrete commitment of security assurances from the United States, but in the context of the U.S.–ROK alliance, a credible and accommodated security assurance of not targeting the North may upset the South. The ROK hopes the enduring alliance remains robust, thus the United States still has more than 20,000 troops deployed there, and joint military exercises are routinely held off the coast of the Peninsula, setting North Korea as an imaginary enemy, which then increases the DPRK’s suspicions on the credibility of the assurances provided because of the perceived hostile intent.

Conclusion

This paper has conducted an in-depth analysis on non-proliferation related security assurances for the DPRK, an area that existing literature has rarely studied. It argues that high credibility and tailoring to what the target state is concerned about are two conditions for an effective security assurance for nuclear non-proliferation. Using this set of criteria, the security assurances offered by the UN, China and the United States for the DPRK hardly meet these standards, thus reducing the effectiveness of security assurances. While the alliance treaty with the Soviet Union played a role during the Cold War era, the Soviet assistance laid the foundation for the DPRK’s future nuclear activities. More importantly, the alliance treaty was annulled by Russia after the Soviet collapse. The low effectiveness of external security assurances may help explain the DPRK’s case of nuclear proliferation from one aspect.

However, the failure in the DPRK’s case does not mean that security assurances have no ability to moderate a state’s ambition to pursue nuclear weapons. Instead, this paper has found that security assurances on nuclear non-proliferation will be more likely to have an effect if they are credible, to which a legally binding treaty could be a possible option, and tailored to the target state’s unique features in its threat perception, specific

strategic culture and decision-making procedure. From this perspective, in the DPRK's case, the key to a peaceful nuclear rollback is how to make a robust security assurance as well as a package deal that address its major concerns of both national security and regime survival.

Considering the fact that the DPRK already possesses the nuclear and delivery capability, and that the risks of war still exist on the Peninsula, a more pragmatic way to manage the current situation is to prevent the DPRK from dissociating from the existing nuclear non-proliferation regime so it can take measures and create conditions conducive to the thorough resolution of the issue. Based on this, three assurances are needed to deal with the stalemate: firstly, all nuclear powers offer the assurance not to target the DPRK with nuclear weapons, and to respect its political independence and sovereign integrity; next, the DPRK undertakes no first use of nuclear weapons, and not to target nuclear weapons on NNWS when it is in possession of nuclear capability; thirdly, the DPRK should pledge comprehensive denuclearization as soon as possible. These assurances are more tailored to the DPRK's concerns and conducive to solving the problem. However, to make credible security assurances of legally binding commitments can be hard work, let alone to infuse assurances with further commitments so as to make them enduring.

Given the difficulties, there is still a long way to go to reach a comprehensive settlement. But there is some hope. The *Panmunjom Declaration* reached between the North and South went one step forward by working out a plan to pursue several military risk reduction mechanisms, together with an agreement to "completely cease all hostile acts against each other."⁵¹ Those efforts will be conducive to alleviating the military tension and eliminating the danger of war as well as building confidence in order to secure lasting peace on the Korean Peninsula. The declaration has created a stepping stone and also has laid a good foundation for future denuclearization efforts, but apart from that, much more still needs to be done.

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