



DPRK (NORTH KOREA)

Expected Council Action

At press time the P5 and Japan were holding consultations to determine a Council response to the launch of a rocket on 5 April, claimed by the Democratic People's Republic of Korea (DPRK) to be for the purpose of placing a satellite in orbit.

The US, Japan, France and the UK favour adoption of a resolution condemning the launch. However, China and Russia seem to prefer a more cautious response. At press time, discussions were focusing on the format of a Council response.

At this stage, discussion among the P5 and Japan has not involved other Council members. It is expected that the issue will come back to the whole Council if the P5 and Japan reach an agreement on a way to proceed.

Key Recent Developments

On 5 April the DPRK launched a three-part Taepodong-2 rocket with the official aim of placing a satellite in orbit. While the DPRK claimed success, it appeared that the rocket failed to complete its objective and nothing entered orbit.

The first stage of the rocket fell in the Sea of Japan as planned, and the second and third stages passed over Japan and fell into the Pacific Ocean, twice as far as the previous attempt by the DPRK to launch a satellite in 1998 (2,000 miles from the launching site compared to the 1,000 miles the Taepodong-1 travelled in 1998). This has raised questions whether the DPRK was merely testing its long-range missile capabilities under the cover of a satellite launch or whether it actually intended to place a satellite in orbit.

US President Barack Obama condemned the launch and said it was provocative. He added that the US would take appropriate steps to let the DPRK know that it could not threaten the safety and security of other countries with impunity. Japan, France, the UK and the EU also condemned the launch, saying it violated resolution 1718 which imposed sanctions on the DPRK and established a sanctions committee after the DPRK conducted a nuclear test in 2006.

Russia called for restraint, and China, taking note of the launch, said it hoped all parties concerned would exercise restraint and handle this properly "so as to jointly maintain the overall interest of peace and stability in the region".

UN Secretary-General Ban Ki-moon said he regretted the launch as it was not conducive to dialogue, regional peace and stability, and he urged the DPRK to comply with relevant Council resolutions.

At the request of Japan, the Council held an emergency session on Sunday, 5 April. Members adjourned because they were unable to reach agreement and in order to permit consultation among the key players.

Contrary to the situation in 1998, when the DPRK previously claimed to be launching a satellite, the DPRK publicly announced its intention beforehand. On 24 February, a spokesman for the DPRK's Korean Committee of Space Technology declared it was preparing to put an experimental communications satellite into orbit with a space launch vehicle (the Taepodong-2).

On 12 March, the DPRK said it had acceded to the Convention on Registration of Objects Launched into Outer Space and to the Outer Space Treaty, which determines that outer space "shall be free for exploration and use by all States without discrimination of any kind". The DPRK also notified the International Civil Aviation Organization and the International Maritime Organization that it was planning to launch the satellite between 4 and 8 April.

The last round of the six-party talks took place in Beijing from 8 to 11 December 2008 to discuss implementation of the September 2005 Statement of Principles, focusing on verification of the denuclearisation of the Korean Peninsula, energy assistance to the DPRK and peace and security in northeast Asia. The talks were inconclusive. Disagreements remained, mainly on the verification of a June 2008 DPRK declaration on its nuclear programme, as well as on how energy assistance and disablement would proceed. On 20 February, Stephen Bosworth, former US ambassador to Seoul, was appointed to lead the US delegation to the six-party talks, replacing Christopher Hill.

Options

The Council could decide to remain silent. (On 2 February Iran also launched a satellite which prompted international concerns, but the Council did not take up the issue.)

Other options include:

- tightening sanctions against the DPRK through expanding the scope of the embargo on proliferation sensitive items by adding a list of other items, materials, equipment, goods and technology which could contribute to nuclear-related, ballistic missile-related or other WMD-related programmes;
- tightening sanctions by adopting a list of individuals subject to travel ban and assets freeze;
- reenergising the DPRK Sanctions Committee, perhaps through calling on member states to report to the Committee or reminding the Committee of its task to recommend ways to strengthen the effectiveness of the sanctions regime (today only 73 states have reported on their implementation of resolution 1718 and the Committee—while it reported every three months to the Council—has essentially been inactive ever since the DPRK rejoined the six-party talks in 2006);
- strengthening the provision of resolution 1718 that calls upon states to inspect cargoes to and from the DPRK;
- recognising the rocket launch as a clear violation of resolution 1718;
- condemning the rocket launch and requesting the DPRK to refrain from further action that could lead to increased tensions; and
- encouraging a resumption of the six-party talks as soon as possible.

Key Issues

A main issue shaping the discussions is whether the launch contravened Council resolutions 1695 and 1718 which require the DPRK to suspend all activities related to its ballistic missile programme and refrain from any further launch of a ballistic missile. Because the resolution does not specify whether missile launches are allowed for civilian purposes (i.e. launching a satellite), China and Russia argue that the 5 April launch was legal under the right to peacefully use space, unless it is found that the rocket did not carry a satellite (this may take some time to determine). Others (Japan, the US and the Europeans, in particular) argue that any type of ballistic missile technology is prohibited in the DPRK under resolution 1718, no matter its intention. Without questioning the right to peaceful use of outer space, they argue, the situation in the DPRK is of

particular concern and ballistic missile technology can be used for both civilian and military purposes, and therefore should be prohibited.

Another major issue is the resumption of the six-party talks, which remains the only viable avenue toward a resolution of the DPRK nuclear issue. Some Council members, notably China and Russia, emphasise that a Council response to the launch should have the appropriate format and tone so as not to endanger the talks. They fear the DPRK may withdraw from the process.

Finally, an important issue is the question of the DPRK's real intentions. Some analysts have said that whether the DPRK was trying to place a satellite in orbit is not the point. Rather, the DPRK may simply seek political weight ahead of future discussions within the six-party talks. A related and important issue is whether China still has leverage over the North Korean regime. It appears that China asked the DPRK to exercise restraint before the launch.

An issue in the coming days is whether the P5 and Japan will reach a compromise on a Council response which will not undermine the six-party talks.

Council Dynamics

At press time, a series of formal and informal consultations were underway among the P5 plus Japan with the goal of determining an appropriate format for a Council response. While the US, France, the UK and Japan were strongly in favour of a resolution—which apparently was introduced by the US—China proposed elements of a press statement. Many considered that this was not sufficiently forceful. A presidential statement by way of compromise may be an option.

During the emergency Council meeting on 5 April, many delegations expressed their concern about the launch and the proliferation of nuclear weapons in general, and supported a unified response. Libya and Viet Nam, however, did not support a resolution. Others seemed in favour of a resolution as long as it could be adopted by consensus. Elected members seemed to agree that the interested parties needed to resolve their differences in separate consultations.

UN Documents

Selected Council Resolutions

- S/RES/1718 (14 October 2006) expressed grave concern over the DPRK's nuclear test, imposed sanctions and established a sanctions committee.
- S/RES/1695 (15 July 2006) condemned the DPRK's launch of ballistic missiles.

Useful Additional Sources

- *North Korea's Missile Launch: The Risks of Overreaction*, International Crisis Group, 31 March 2009
- *Country Assessments: Korean Peninsula (including satellite imagery of Musudan-ri Missile Launch)*, Institute for Science and International Security, March and April 2009
- *The Six-Party Talks and New Opportunities to Strengthen Regional Nonproliferation and Disarmament Efforts*, The Stanley Foundation, The National Committee on North Korea, China Arms Control and Disarmament Association, and The Institute for Foreign Policy Analysis, March 2009
- *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies: (The Outer Space Treaty)*, 1967
- *Convention on Registration of Objects Launched into Outer Space*, UN Office for Outer Space Affairs. 1976