



SECURITY COUNCIL REPORT UPDATE REPORT



7 July 2006 No. 3

NORTH KOREA

Situation in the Security Council

The Council has now held one session of informal consultations on 5 July and two meetings of experts on 5 and 6 July on the issue of North Korea's firing of ballistic missiles on 4 and 5 July.

The draft resolution presented by Japan has received very strong support. It seems clear that 13 of the 15 Council members are now prepared to accept the draft which contains a strong condemnation of North Korea's actions, binding obligations on North Korea under Chapter VII of the Charter and sanctions in the form of a ban on exports to North Korea of strategic materials.

There was consensus in the Ambassadorial consultations that a swift and firm response was necessary. But differences subsequently emerged, with China and Russia resisting the sanctions and preferring a presidential statement to a resolution.

At the time of writing it seemed that China and Russia had no support and were therefore facing a difficult decision if the resolution went to a vote.

If Russia and China are prepared to acquiesce to a resolution, perhaps by way of abstention, then it is likely that the co-sponsors will agree to negotiate some changes in the text of the resolution. But it seems that the vast majority of Council members consider that North Korea's action constitutes a serious threat to international peace and security, and clearly crosses the threshold articulated by the Council on the subject by a unanimous Chapter VII decision in 2004 in resolution 1540.

Recent Developments

In 2004, the Security Council, in resolution 1540, a Chapter VII resolution, affirmed that proliferation of nuclear weapons, as well as the means of delivery (including rockets and missiles), constitute a threat to international peace and security.

On 4 and 5 July 2006 North Korea, having announced in 2005 that it had developed nuclear weapons, test-fired seven missiles, including a long-range Taepodong-2 missile.

The deputy chief of North Korea's U.N. mission in New York indicated on 6 July that Pyongyang will be forced to take "all-out countermeasures" if the Council imposes sanctions on North Korea.

This is not the first time that North Korean missile launches have been a focus for the Council's

attention. On 31 August 1998, North Korea fired a Taepodong-1 missile which flew over Japan and landed in Pacific Ocean. At that time, in a letter dated 4 September 1998, Japan informed the President of the Council of this incident and the Council discussed the test launch under “other matters” on 15 September 1998. The Swedish President of the Council issued a statement to the press which expressed concern at the launching of an object propelled by rockets by North Korea as well as regret that the launching was carried out without prior notification.

In September 1999, Pyongyang agreed to a moratorium on missile flight tests, a commitment which its partners in the six-party talks regard as still binding.

Recently North Korea has taken an increasingly hard-line position on its nuclear activities. In October 2002 the US accused North Korea of operating a secret uranium enrichment programme. Soon after, in December 2002, North Korea told International Atomic Energy Agency (IAEA) inspectors to leave the country. Then on 10 January 2003, North Korea withdrew from the nuclear non-proliferation treaty (NPT), removing any constraints to developing and processing nuclear weapons. (North Korea remains the only country to have withdrawn from the NPT). In February 2005, North Korea publicly announced that it had developed nuclear weapons.

Key Issues

The main issue is whether the Council can agree on exactly how firm its response to North Korea's actions should be. There is agreement that the Council needs to respond firmly and swiftly but Russia and China want to stop short of the sanctions route.

As a resolution needs nine votes and no veto, a related issue is whether China and Russia would be willing to use their veto in this situation or if the members who want stronger action can persuade them, perhaps with some concessions in the language, to abstain.

The question of whether to invoke Chapter VII has also been raised but, in view of the Council's pronouncement in 2004 in resolution 1540 it seems that most Council members accept that the recent events have clearly crossed the Chapter VII threshold.

Another issue is how North Korea will react and how the Council's response will affect the stalled six-party talks between the US, North Korea, China, Japan, Russia and the Republic of Korea. The aim of these talks is the denuclearisation of the Korean Peninsula. North Korea has refused to return to the talks since November 2005 because of US action against firms suspected of involvement in illicit financial activities related to North Korea. In early July China proposed that an informal meeting of the countries involved in the six-party talks take place on 17 July after the Group of 8 summit. Pyongyang is interested in bilateral talks with the US but the US administration has been clear that it will only have talks with North Korea within the framework of the six-party talks.

Council Dynamics

During the informal consultations on Wednesday all the members expressed concern and agreed that the Council needed to act swiftly. Japan and the P3 are advocating very strong action. It appears that 13 of the 15 members of the Council are in favour of the draft resolution introduced by Japan which includes sanctions against North Korea. However, Russia and China are opposed to sanctions and seem to prefer a presidential statement rather than a resolution.

China has strong diplomatic and economic ties with its neighbour North Korea and has particular

concerns about the fragility of that country. In the past China has been reluctant to put real pressure on North Korea. Russia has said that it has “serious concerns” about North Korea’s actions, but in line with its position in recent years of opposing sanctions, it wants “firm” action to stop short of punitive measures.

UN Documents

Selected Security Council Resolutions

- S/RES/1540 (28 April 2004) affirmed that proliferation of nuclear weapons as well as the means of delivery constitutes a threat to international peace and security.
- S/RES/825 (11 May 1993) called upon North Korea to reconsider withdrawing from the NPT and to honour its non-proliferation obligations under the NPT.

Selected Letters

- S/2006/481 (5 July 2006) was the letter from Japan requesting a meeting of the Security Council.
- S/1998/865 (16 September 1998) was the letter from North Korea condemning Japan’s action since the North Korea launched a missile on 31 August 1998.
- S/1998/866 (17 September 1998) was the letter from North Korea with a statement on the action of the Council after the launch of a missile on 31 August 1998.
- S/1998/835 (4 September 1998) was the letter from Japan informing the Council that North Korea had launched a missile on 31 August 1998.

Others

- The Joint Statement of the fourth round of the six-party talks can be found at <http://www.state.gov/r/pa/prs/ps/2005/53490.htm>.
- The text of North Korea’s withdrawal from the NPT on 10 January 2003 can be found at <http://cns.miis.edu/research/korea/nptstate.htm>.