NUCLEAR THREATS AND COUNTER-THREATS; IMPLICATIONS OF U.S. NUCLEAR POLICY FOR THE KOREAN PENINSULA (AND THE WORLD)

Jacqueline Cabasso, Executive Director, Western States Legal Foundation, USA

At the April-May 2003 Preparatory Committee meeting for the 2005 Review Conference of the Nuclear Nonproliferation Treaty (NPT), the United States representative made a scarcely-veiled military threat against North Korea, including the possible use of nuclear weapons. In his opening statement, Assistant Secretary of State John S. Wolf declared: “While all [emphasis in delivery] of our options remain available, we are determined to end North Korea’s threat through peaceful, diplomatic means.” It was encouraging to hear that the U.S. prefers peaceful diplomatic means as its first choice, but the phrase “all of our options” is easily recognizable code that has been echoing through a number of Bush Administration policy documents and statements. For example, in the December 2002 “National Strategy to Combat Weapons of Mass Destruction” we read, “The United States...reserves the right to respond with overwhelming force – including through resort to all of our options – to the use of WMD against the United States, our forces abroad, and friends and allies” encompassing both “conventional and nuclear response and defense capabilities,” employed “in appropriate cases through preemptive measures.” (emphasis added) It appears that the U.S. has actually threatened North Korea with a military attack, including the possible use of nuclear weapons, from the floor of a meeting of the states parties to the NPT.

Recent U.S. military threats against North Korea are not unique to the Bush Administration. In a situation eerily reminiscent of the current nuclear crisis on the Korean Peninsula, on July 11, 1993, President Bill Clinton stood at “the Bridge of No Return” on the South Korean side of the Demilitarized Zone looking north across the border, and threatened North Korea with nuclear retaliation if they ever used nuclear weapons. His exact words were: “[I]t will be the end of their country.” The U.S. and North Korea stepped back from the brink that time, and negotiated the 1994 Agreed Framework. However, it recently has come to light that the Clinton Administration threatened North Korea in June 1994 with a preemptive attack. According to Clinton, “We drew up plans to attack North Korea and to destroy their reactors – we told them we would attack unless they ended their nuclear programme.” A U.S. strike was apparently very close. In a 2000 interview, former South Korean president, Kim Young-Sam claimed he had talked President Clinton out of launching an air strike against North Korea’s nuclear facilities. According to Kim, the U.S. had deployed an aircraft carrier off the eastern coast at a distance close enough for its war planes to hit North Korea’s Yongbyan nuclear facilities, and U.S. warships were also ready for a naval bombardment of the nuclear facilities 90 kilometers (56 miles) north of Pyongyang.

In the summer of 1998, North Korea shocked the world, and Northeast Asia in particular, when it tested a medium-range missile over the East Sea/Sea of Japan. However, instead of welcoming the unilateral missile testing ban, announced by North Korea in September 1999 and extended in June 2000, hawkish missile defense proponents in the U.S. warned of emerging missile states that might be “undeterrable” due to their irrational leadership – a not so subtle reference to North Korea. In July 1999, President Clinton signed the National Missile Defense Act, making it U.S. policy to begin deploying a National Missile Defense system “as soon as technically feasible.” Throughout the 1990s, the Clinton Administration squandered the
historically unprecedented period of opportunity that appeared with the end of the Cold War. Instead of ushering in a new era of cooperative security, the military programs and policies put in place during the Clinton Administration laid the groundwork for the second Bush Administration’s increasingly unilateral and aggressive foreign policy, in which the potential use of nuclear weapons is becoming more “thinkable.”

It is difficult if not impossible for an outsider to assess North Korea’s nuclear capabilities or understand its motivations and intentions with respect to its potential nuclear weapons program. However, it is not difficult to see how North Korea might feel increasingly threatened by the United States. It seemed with the 1994 Agreed Framework that relations between the U.S. and North Korea were headed toward improvement. Significantly, the Democratic People’s Republic of Korea (DPRK) agreed to remain a party to the NPT and allow eventual full implementation of its safeguards agreement under the Treaty, while the U.S. agreed “to provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the U.S.” The two sides also stated their intentions to move toward full normalization of political and economic relations. At the end of the Clinton Administration, in 2000, a U.S.-DPRK Joint Communiqué was issued which included a statement that “neither government would have hostile intent toward the other.” However, relations started to sour when the construction of light water reactors promised by the United States in the 1994 Agreement stalled and its pledges to normalize political and economic relations were not realized.

The September 11, 2001 terrorist attacks in New York and Washington, DC changed everything. In frighteningly short order the new Bush Administration launched a bellicose, open-ended “war on terror,” encompassing a sweeping range of potential enemies including not only terrorist groups, but also states suspected of harboring them, or of aspiring to develop nuclear, chemical, or biological weapons. In his January 2002 State of the Union address, President Bush made his now infamous declaration that North Korea, Iran and Iraq constitute an “axis of evil.” In his exact words:

“….North Korea is a regime arming with missiles and weapons of mass destruction, while starving its citizens.

Iran aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people’s hope for freedom.

Iraq continues to flaunt its hostility toward America and to support terror. The Iraqi regime has plotted to develop anthrax and nerve gas and nuclear weapons for over a decade... This is a regime that agreed to international inspections then kicked out the inspectors. This is a regime that has something to hide from the civilized world.

States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.” (emphasis added)

A year and a half later, it is worth considering what North Korea might make of this pledge in light of the recent U.S.-led war on Iraq, purportedly to eliminate “weapons of mass destruction,” – which still have not been found – and “bring democracy” to the region through
“regime change.” Now the U.S. is turning its attention to Iraq’s immediate neighbor, Iran – another member of the “axis of evil” – with stepped up allegations of a covert nuclear weapons program there.

Even if the United States does not choose to fight another war of conquest – in its current euphemistic phraseology, “regime change” – a U.S. attack aimed at wiping out the nuclear facilities of an adversary is far more than a slim possibility. A significant focus of U.S. military planning in recent years has been the development of technology and tactics for destruction of nuclear facilities while limiting the release of radioactive materials. The implications for North Korea are clear.

The January 2002 Defense Department Nuclear Posture Review (NPR) revealed that: “Nuclear attack options that vary in scale, scope, and purpose will complement other military capabilities,” [p. 7] and specified that:

“In setting requirements for nuclear strike capabilities, distinctions can be made among the contingencies for which the United States must be prepared....”

“Immediate contingencies involve well-recognized current dangers... current examples of immediate contingencies include an Iraqi attack on Israel or its neighbors, a North Korean attack on South Korea, or a military confrontation over the status of Taiwan.”

The NPR does not specify that these immediate contingencies require a nuclear use by Iraq, North Korea, or China.

In describing the transition to a “new” strategic triad, the NPR provides a useful tool for understanding how the U.S. plans to carry out its global warfighting strategy. In one corner of the new triad, new non-nuclear weapons capabilities have been added to the “old” Cold War strategic triad, consisting of submarine-based ballistic missiles, land-based intercontinental missiles and strategic bombers. This category has been designated “offensive strike systems.” The other legs of this new triad are “defenses” and a “revitalized defense infrastructure that will provide new capabilities in a timely fashion to meet emerging threats.” These three elements are bound together by “enhanced command and control” and “intelligence systems.”

The three legs of the new strategic triad are designed to work together, to enable the United States to project overwhelming military force. A stated long-term goal of the U.S. military is to “enable an affordable capability to swiftly and effectively deliver highly effective weapons against targets at any required global location” in order to “affordably destroy or neutralize any target on earth....” Considered in this context, it becomes easier to understand that so-called “defenses” are not really to defend the United States from a surprise attack. These systems include so-called “national” missile defense systems in the form of ground-based interceptors, initially in Alaska and California, but also both “national” and “theater” missile defenses, based on ships at sea. In addition, research and development is underway on laser missile defense systems, to be deployed, eventually, on airplanes and space-based vehicles. These theater missile defenses are intended to work together with the offensive weapons systems, like swords and shields, to protect U.S. troops and bases and other U.S. “strategic assets” around the world. Reason for special concern by North Korea is that the U.S. and Japan plan to begin testing a joint ship-based missile defense system in 2004, using a missile-testing range in Hawaii. Admiral Ramu Ramdas, the former head of India’s navy and now a proponent of nuclear abolition, has described U.S. theater missile defenses as a “net thrown over
the globe.” An illustrative version of this concept can be found in a 2002 speech by the U.S. Chief of Naval Operations, who was promoting a program called “Sea Shield:"

“What Sea Shield does is extend homeland security to the fullest extent with forward deployed forces, buying time and buying space for the detection and tracking of threats headed toward our country...

As we look to the future, Sea Shield’s littoral [shoreline] control capabilities will build upon a rich mix of manned and unmanned systems on, over, and below the sea. This combination of platforms, sensors, and weapons will assure access and provide the foundation of battlefield dominance.

Perhaps the most radical change embedded in Sea Shield will be the ability to project defensive fire power deep over land. New technologies will allow sea based missiles to engage enemy air targets far over the horizon, before they can threaten joint and coalition forces operating ashore.”

One of the main goals of the policies and programs endorsed by the NPR is to make U.S. threats of force, including nuclear threats, more credible. U.S. military planners have decided to approach the problem from both ends: more powerful conventional forces for use where nuclear weapons would be untenable, and more useable nuclear weapons where nothing else has sufficient power to intimidate or destroy. Nuclear weapons would not be segregated either operationally or doctrinally from conventional weapons. The NPR also envisions modernization of the research and production facilities needed to design and build new nuclear warheads and other strategic weapons.

The NPR, downplayed initially by some observers as a mere “wish list,” served as the primary justification for the Fiscal Year 2003 and 2004 National Nuclear Security Administration budgets – providing in the range of $6 billion annually for nuclear weapons research, development and production programs, not including delivery systems. This is a significantly higher amount than was spent during the Cold War years. The NPR also is an important underpinning of subsequent U.S. policy declarations at the highest levels. The National Security Strategy of the United States, released by the White House on September 17, 2002, set forth a sweeping and open-ended policy of preemptive self defense, in which “America will act against…emerging threats before they are fully formed.” (emphasis added) It states:

“We will disrupt and destroy terrorist organizations by:

• direct and continuous action using all of the elements of national and international power. Our immediate focus will be those terrorist organizations with global reach and any terrorist or state sponsor of terrorism which attempts to gain or use weapons of mass destruction (WMD) or their precursors;

• defending…. our interests at home and abroad by identifying and destroying the threat before it reaches our borders. While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists….” (emphasis added)
In testimony to Congress on June 4, 2003, Under Secretary of State for Arms Control and International Security, John Bolton warned:

“Not only are we dealing with a country that has repeatedly violated its international nonproliferation obligations, but we also face the prospect that North Korea could produce and then export fissile material or weapons to rogue states or terrorists. This is a danger that cannot be ignored.”

Bolton also charged North Korea with selling missiles and related technologies to “countries of concern,” and asserted that North Korea has an active program to develop biological weapons, in violation of the Biological Weapons Convention, and a chemical weapons capability. He went on to call for a “forward” policy on proliferation that expands the doctrine of preemptive self-defense in a new direction.

“Our frontlines in our nonproliferation strategy need to extend beyond the immediate states of concern to the trade routes and entities that are engaged in supplying the countries of greatest proliferation concern. In support of the ‘forward’ policy of nonproliferation, we are employing a number of tools to thwart and counter countries’ weapons of mass destruction and missile programs, including sanctions, interdiction, and credible export controls….Thus we can slow down and even stop their weapons development plans by employing a policy that seeks to disrupt their procurement attempts.” (emphasis added)

Bolton elaborated on the interdiction proposal, describing how the United States is discussing a plan to expand interdiction efforts related to WMD or missile-related shipments, with “several close friends and allies.”

In May 2000, at the conclusion of the first NPT Review Conference since the Treaty’s indefinite extension in 1995, the United States and all participating states agreed to 13 practical steps for the systematic and progressive implementation of Article VI, which requires the nuclear weapons states to negotiate in good faith the cessation of the nuclear arms race and nuclear disarmament. These steps included: an unequivocal undertaking to accomplish the total elimination of its nuclear arsenal; early ratification of the Comprehensive Test Ban Treaty; full implementation of START II and conclusion of START III as soon as possible while preserving and strengthening the Anti-Ballistic Missile Treaty; concrete measures to reduce the operational status of nuclear weapons; the principle of irreversibility as applied to nuclear disarmament and related arms control and reduction measures; increased transparency regarding nuclear weapons capabilities; and a diminishing role for nuclear weapons in security policies.

Today, more than 2,000 U.S. “strategic” (long range) nuclear warheads remain on hair-trigger alert, ready to instantly target locations around the globe. Land based nuclear missiles are ready to launch their deadly payloads within two minutes. And U.S. Trident submarines continue to patrol the seas at Cold War levels, ready to fire hundreds more of the most destructive and precise weapons ever conceived, on fifteen minutes notice.

At the 2003 NPT Preparatory Committee meeting, the United States distanced itself from the 13 practical steps for the systematic and progressive implementation of Article VI it had agreed to in 2000, while proclaiming its “unambiguous” support for Article VI itself and the goal of nuclear disarmament. In his opening statement, the U.S. representative claimed that the NPT “is dangerously out of balance. Disarmament continues,” he stated, “and in fact took a
significant step forward with signing of the Moscow Treaty…. In the past 15 years, huge strides have been made in reducing and eliminating nuclear weapons…. In two decades, the United States will have eliminated or decommissioned three-quarters of its strategic arsenal…. Yet,” he warned, “the path for nuclear proliferation is spiraling upward.”

Indeed, the Treaty is out of balance. While the vast majority of the nonnuclear states parties to the NPT have upheld their commitments not to acquire nuclear weapons, disarmament has effectively ceased in the United States. Today, facilities which formerly dismantled weapons are devoted to upgrades, “life extensions,” and modifications of the U.S. arsenal. As for “reducing and eliminating” nuclear weapons, it is true that there are fewer nuclear weapons in the U.S. arsenal than 15 years ago: obsolete varieties are being weeded out, modern varieties are being made more modern still, and altogether new kinds of nuclear weapons are under design. These include both “mini-nukes” (under 5 kilotons) and a “robust nuclear earth penetrator,” with an explosive yield of 75 kilotons – 5 times bigger than the U.S. atomic bomb that destroyed Hiroshima and killed 200,000 people. The U.S. has no plans or commitments of any kind to reduce its existing arsenal of approximately 10,650 nuclear weapons. In addition to these, the U.S. also has at least 12,000 extra plutonium “pits” or cores and an unknown number of thermonuclear “secondaries” and other key components from which nuclear weapons could be assembled.

The vaunted Moscow “treaty” does not require the destruction or dismantlement of a single weapon or delivery system, and places no limits on the development or deployment of new kinds of weapons. In fact, it has no cognizable obligations at all: it expires the moment it imposes “reductions” in 2012. At best it could be argued that the “cuts” to 1700 to 2200 deployed strategic warheads, will reduce the operational status of a significant number of nuclear weapons. Instead of being destroyed, many of the warheads withdrawn from deployment will be retained as part of a “responsive force” of nuclear armaments, enabling the U.S. to re-deploy an expanded arsenal far into the future. Thousands more are likely to be retained on “inactive reserve” status or as stored components, capable of being reassembled into nuclear weapons. And nuclear warheads designated as “tactical” for Cold War counting purposes are not addressed at all. The proposed reductions still will leave stockpiles consisting of thousands of warheads with explosive power sufficient to destroy any country several times over, leaving much of the planet a radioactive wasteland.

The U.S. is moving forward with implementation of the Nuclear Posture Review by making plans to establish advanced nuclear weapons concept design teams at its nuclear weapons laboratories; shorten the amount of time it would take to resume full scale underground nuclear testing; start production of upgrades to existing nuclear weapons types and new nuclear weapons; build a new modern pit production facility; and increase its capability to quickly move
its “responsive” force into deployment, if deemed “necessary” – all of this in the context of an ever-expanding doctrine of “preemptive self defense.” Is it any wonder that North Korea feels threatened?

In its January 10, 2003 Statement on NPT Withdrawal, North Korea declared that “the NPT is being used as a tool for implementing U.S. hostile policy towards the DPRK aimed to disarm and destroy its system by force…. It is none other than the U.S. which wrecks peace and security on the Korean Peninsula and drives the situation there to an extremely dangerous phase.” The Statement notes that

“After the appearance of the Bush administration, the United States listed the DPRK as part of an ‘axis of evil,’ adopting it as a national policy to oppose its system, and singled it out as a target of pre-emptive nuclear attack, openly declaring a nuclear war.”

The Statement concludes:

“As it has become clear once again that the U.S. persistently seeks to stifle the DPRK at any cost…. we can no longer remain bound to the NPT, allowing the country’s security and the dignity of our nation to be infringed upon.”

What is to be done? Responding to the Nuclear Posture Review, United Nations Under Secretary General for Disarmament Affairs, Jayantha Dhanapala, called for a different kind of “triad,” a global effort aimed at “eradicating poverty, preventing conflict, and promoting democracy;”

This is the “triad” that will genuinely serve the interests of international peace and security. And in the realm of preventing conflict, the goals of disarmament, arms control, and the peaceful settlement of disputes must remain the triad within the triad. Let us put an end to the debate whether arms cause conflicts or vice versa and recognize that each continues to affect the other, as they have from time immemorial. Let us dedicate our triads to productive, not destructive uses.

Any real solution to the nuclear crisis on the Korean Peninsula will have both regional and global dimensions that can and must proceed simultaneously. The United States should, as a start, scrap its Nuclear Posture Review and its policy of preemptive self-defense, and instead make good on its own NPT commitments. In the interests of real security – human, national and global – the U.S. should:

• Immediately halt all efforts aimed at “improving” the military capabilities of its nuclear arsenal, including research and development for “mini” nukes and the “robust nuclear earth penetrator;”

• Halt plans for upgrades to existing weapons research and production facilities and forgo building new facilities, including those for plutonium pit manufacturing and tritium (radioactive hydrogen) production;

• Together with Russia take all nuclear weapons off hair-trigger alert;
• Ratify the Comprehensive Test Ban Treaty and close the Nevada Test Site;
• Initiate sweeping, verifiable, real reductions in both strategic and tactical nuclear weapons and their delivery systems;
• Initiate multilateral negotiations to eliminate nuclear weapons worldwide;
• Halt development of ballistic missile defenses including theater missile defenses;
• Initiate multilateral negotiations to eliminate ballistic missiles, with a flight test ban as a first step; and
• Support the Russian-Chinese initiative to ban weapons in outer space.\(^{26}\)

In addition, the United States should support and encourage efforts to initiate negotiations on a Northeast Asia Nuclear Weapon-Free Zone. This would involve working not only with Japan and the Koreas, but also with China and Russia. One proposal put forward by non-governmental organizations in the region is to conclude a trilateral Nuclear Weapon Free Zone Treaty among Japan, the ROK and the DPRK with protocols for negative security assurances given by the U.S., China and Russia.\(^{27}\)

All of these things are possible; the key element lacking is political will on the part of the world’s most powerful state. Creating that political will depends on all of us, the people of the world, “the axis of hope.”

NOTES

1 This paper draws on the author’s collaborative work over many years with Andrew Lichterman, Western States Legal Foundation (www.wslfweb.org), John Burroughs, Lawyers’ Committee on Nuclear Policy (www.lcnp.org), and Greg Mello, Los Alamos Study Group (www.lasg.org).
2 Statement by Assistant Secretary of State John S. Wolf, Representative of the United States of America To the Second Session of the Preparatory Committee for The 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, April 28, 2003.
3 Clinton Threatens Annihilation if N. Korea uses Nuclear Arms; President Cheered by U.S. Troops on Visit to Demilitarized Zone, The Washington Post, July 12, 1993, P a9.
7 The Defense Threat Reduction Agency “Nuclear Facility Defeat Program,” according to budget documents, will provide the National Command Authority (NCA) and combatant commands means to deny critical nuclear production, processing, fabrication and storage capability of an adversary, without the prohibitive political consequences of large radiation releases downwind of the target. Once the intelligence community determines the adversary’s nuclear production cycle, critical facilities can be targeted to eliminate overall capability. NFD provides methods to functionally kill selected facilities, predict and minimize resulting collateral effects.
8 The broad outlines of the classified Nuclear Posture Review (NPR) were presented to the public at a January 9, 2002 Defense Department briefing. Copies of the classified document were subsequently obtained by the New York Times and the Los Angeles Times and reported on March 10. Excerpts from the classified NPR are available online at www.Globalsecurity.org. Publicly available government documents and Congressional testimony on the NPR as well as newspaper articles, relevant publications and other NPR resources are available on the Western States Legal Foundation Nuclear Posture Review Information Page at www.wslfweb.org/nukes/npr.htm.
11 Information Update Vol. #61, March 2003, Pacific Campaign for Disarmament & Security, reported in Nihon Keizai Shinbun.
12 Personal recollection of the author.
19 Statement by Assistant Secretary of State John S. Wolf, Representative of the United States of America To the Second Session of the Preparatory Committee for The 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, April 28, 2003.
22 Los Alamos restores U.S. ability to make nuclear weapons, official news release, Los Alamos National Laboratory, April 22, 2003, Contact: Jim Danneskiold, jdanneskiold@lanl.gov, (505) 667-1640 (03-054)
24 North Korea’s Statement on NPT Withdrawal, Pyongyang, 10 January 2003.
26 In response to U.S. plans to develop ballistic missile defenses, Russia and China have introduced a proposal in the United Nations Conference on Disarmament for a new international treaty to ban weapons in outer space. However, according to U.S. negotiator Eric M. Javits, in a speech to the conference: “The United States sees no need for anew outer space arms control agreements and opposes the idea of negotiating a new outer space treaty.” Russia, China Seek to Ban Space Arms, June 27, 2002, by Clare Nullis, Associated Press.