

# **Building Multi-Party Capacity for a WMD-Free Korea: Security Assurances**

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**Prepared by:**  
**Guillermo Pinczuk**  
**Research Associate**  
**Institute for Foreign Policy Analysis**  
**Cambridge, MA and Washington, DC**  
[www.ifpa.org](http://www.ifpa.org)

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## **Building Six-Party Capacity for a WMD-Free Korea**

### Security Assurances

#### ***Introduction***

Throughout the current iteration of the nuclear crisis on the peninsula, North Korea has made the provision of a security assurance by the United States an essential condition for ending the stalemate. Though Washington has repeatedly said it has no intention of invading North Korea, Pyongyang seems to fear that the United States will pursue a subversive policy of “regime change” through economic (or possibly military) means even after it dismantles its nuclear programs. The DPRK has thus consistently demanded some form of security assurance (e.g., non-aggression pact, change in the U.S. “hostile” policy, declaration of “no hostile intent,” or commitment to peaceful coexistence) before it accedes to nuclear disarmament. Initially, the United States rejected the provision of any benefits to the DPRK prior to complete and irreversible dismantlement of its plutonium and uranium programs. As early as October 2003, however, President Bush did indicate a willingness to provide a multilateral security guarantee to the North.<sup>1</sup> While not representing a formal treaty, the proposal did suggest a potential role for a six-party organization in facilitating the provision of some kind of security assurance to North Korea.

The objective of this brief is to stimulate constructive break-out group discussions on the implementation of security guarantees for North Korea. More specifically, the discussion should stem from this fundamental question: *What role can and should the six-party process play in establishing and implementing negotiated security assurances with Pyongyang?* While the exact form of negotiated security guarantees appears less obvious and concrete than either a possible economic engagement package or a monitoring and verification regime, there are several rationales for a six-party coordinating role in providing security assurances to the DPRK.

First, for political reasons, the United States does not want to be the only country providing a security assurance to North Korea. A six-party organization could thus ensure that such efforts are coordinated and mutually consistent, as well as tied to North Korean progress on its nuclear disarmament. Second, some members of the six-party group have raised the possibility of the talks moving beyond the DPRK nuclear issue and discussing other regional security issues once a solution is achieved.<sup>2</sup> A six-party organization could therefore potentially fill in a gap by evolving into an organization that institutionalizes the discussion and resolution of other outstanding regional security issues, and potentially also assumes an institutional role in negotiating and implementing confidence- and security-building measures (CSBMs). Third, providing security assurances to North Korea within a six-party organization could help create a better environment for implementing inter-Korean CSBMs, which had made some progress following the Basic Agreement in 1991 but were quickly suspended after 1993.

How should we go about addressing this topic of security assurances? Examining the history and outcomes of different multilateral security organizations provides a number of

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<sup>1</sup> David E. Sanger, “Bush Proposes North Korea Security Plan to China,” *New York Times*, October 20, 2003

<sup>2</sup> James Kelly, assistant secretary of state for East Asian and Pacific Affairs, opening remarks before the Senate Foreign Relations Committee, March 2, 2004. Available at: [http://www.globalsecurity.org/wmd/library/congress/2004\\_h/kelly-040302-testimony-30093pf.htm](http://www.globalsecurity.org/wmd/library/congress/2004_h/kelly-040302-testimony-30093pf.htm)

## **Building Six-Party Capacity for a WMD-Free Korea** Security Assurances

potential institutional models and functional roles, and it can help to establish a range or spectrum (from passive to active) of possible six-party involvement in the implementation phase of Korean denuclearization. We will examine quickly just a few security dialogues for the sake of simplicity in this brief.

One relatively passive role for a six-party organization is to serve simply as a setting for the negotiation and provision of security assurances to the DPRK. A model for this organizational type is the negotiation that led to the Treaty of Tlatelolco, which established a nuclear-weapon-free zone in Latin America. Additional Protocol II of that treaty consists of a legally-binding pledge by each of the five declared nuclear powers to refrain from both the use and threatened use of nuclear weapons against treaty signatories.<sup>3</sup> A variation of this option could see a six-party organization emulate the ASEAN Regional Forum (ARF) and thereby also function as a setting for the discussion of other regional security issues.

A more ambitious and proactive functional role would see a six-party organization negotiate and implement CSBMs on the peninsula, while also agreeing to overarching principles related to security, human rights and economic cooperation with the DPRK. The obvious organizational model would be the Conference on Security and Cooperation in Europe (CSCE), which was founded in the 1975 Helsinki Final Act. Clearly this model would entail a wider conception of security that encompasses both economic and human security. It would also recognize that insecurity on the peninsula stems not only from nuclear issues, but also from non-nuclear sources, such as the conventional force structures of both the DPRK and the ROK/USFK, and the dire economic plight of the North Korean people.

Examining each of these potential organizational models may shed light on the following questions: How can a six-party organization facilitate the negotiation and implementation of security assurances to North Korea? Should it restrict itself to serving as a forum for negotiating nuclear security assurances, or should the six-party group institutionalize a broader discussion on security, encompassing both non-nuclear sources of instability on the peninsula and other regional security concerns? Should it be prepared to resolve disputes on these issues, and might it have some institutional relationship with APEC, the ARF, or the UN? Should it develop the capacity to design and implement CSBMs?

The following section provides a brief synopsis of some of these organizational forms, highlighting their origins, their structure, their key tasks, and their relationship with other international organizations. The final section of this brief lays out some guiding discussion topics for the break-out group. These topics stem from the general question of what role the six-party process could adopt in implementing security assurances for North Korea, especially with regard to (1) determining a functional identity with respect to negotiating and overseeing security assurances; (2) the potential scope of security assurances; (3)

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<sup>3</sup> The point of raising these examples is not to focus on the content of the assurances per se, but instead to focus on how the process of negotiating and implementing the assurance was managed.

## **Building Six-Party Capacity for a WMD-Free Korea** Security Assurances

setting goals, priorities, standards and procedures; (4) evaluating implementation; and (5) its relationship with other countries, international bodies and regional institutions.

### *A Passive Model – The Treaty of Tlatelolco*

The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) aims to prohibit and prevent in the region: (a) the testing, use, manufacture, production, or acquisition of nuclear weapons by any other means, by the Parties themselves or on behalf of anyone else, and (b) the receipt, storage, installation, deployment, and any form of possession of nuclear weapons by the Parties themselves or on behalf of anyone else. One noteworthy aspect is Additional Protocol II of the Treaty, under which all five declared nuclear weapons states (NWS) have provided a security assurance in the form of a legally-binding obligation to refrain from the threat or use of nuclear weapons against State Parties to the Treaty.

The Treaty was completed and opened for signature on February 14, 1967, and it entered into force on April 25, 1969 after ratification by eleven states in the region. For the following twenty-five years, the treaty was largely a vision for the future rather than a practical measure to ensure the military denuclearization of Latin America. Brazil and Argentina, possessing the regions two most advanced nuclear programs, only ratified the treaty in 1994. In October 2002, the Treaty came into full force throughout the region when Cuba deposited its instruments of ratification.

The Tlatelolco Treaty has its origins in the Cuban Missile Crisis and in the desire of regional countries not to be unwilling participants in a nuclear exchange between the two superpowers. In April 1963, the Presidents of Mexico, Bolivia, Brazil, Chile and Ecuador issued a “Joint Declaration for the Denuclearization of Latin America,” under which they would undertake not “to manufacture, store, or test nuclear weapons or devices for launching nuclear weapons.” The next step was a meeting in Mexico City, from November 23-27, 1964, of all Latin American countries in the “Preliminary Commission for the Denuclearization of Latin America” (or REUPRAL, its Spanish acronym). REUPRAL created the “Preparatory Commission for the Denuclearization of Latin America” (COPREDAL), tasked with preparing a draft Treaty. REUPRAL also passed a resolution creating a Coordinating Committee to, among other things, determine a proper verification and inspection regime to be applied in the region, and to obtain the agreement of the declared nuclear powers to respect the denuclearization of the region.

COPREDAL held four sessions in Mexico City. In its first session, from March 15-26, 1965, COPREDAL set up the Coordinating Committee, three working groups and a negotiations committee. During the second session, held from August 23 to September 2, 1965, COPREDAL drafted the articles for the future Treaty dealing with verification and inspection, and it drafted a declaration of principles to serve as the basis for the preamble of the draft treaty. The third session was held from April 19 to May 4, 1966, during which the Coordinating Committee presented a complete text of a preliminary draft of the treaty, and the delegation from Venezuela presented proposals for the establishment of a “Council” to be one of the main organs of the organization which would oversee the treaty.

## **Building Six-Party Capacity for a WMD-Free Korea** Security Assurances

During the fourth session, held from January 31 to February 12, 1967, COPREDAL unanimously approved the Treaty.

Through Additional Protocol II of the Treaty, the declared NWS have provided a legally-binding commitment to refrain from the threat or use of nuclear weapons against State Parties in good standing with the treaty. Additional Protocol II states

....The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

The Protocol was ratified by France in March 1974, China in June 1974, the United Kingdom in December 1969, the Soviet Union in January 1979, and the United States in 1971. All countries except for China qualified their acceptance. In the case of the United States, an exception was made for the situation where a Contracting Party initiated an armed attack with the assistance of a nuclear-weapon state. Furthermore, a formal statement by the then-existing Arms Control and Disarmament Agency to the Senate Foreign Relations Committee indicated why the United States had provided a no-use pledge as part of the Tlatelolco Treaty but not within the context of the Nonproliferation Treaty (NPT):

Assessment of the non-use undertaking at the time the (Tlatelolco) Treaty was signed by the United States resulted in agreement within the government that it was acceptable in this particular case in the view of .... the difficulty of conceiving of circumstances in which the United States would find it in its interest to use or threaten to use nuclear weapons against a Latin American party to the Treaty which was abiding by its obligations thereunder, as understood by the United States...<sup>4</sup>

Given the current state of affairs on the peninsula, it is difficult to envision American policymakers today reaching a similar conclusion with respect to North Korea. Still, if the DPRK were to verifiably and irreversibly dismantle its nuclear programs, and if all weapons-grade material were shipped out of the country, the United States may be willing to offer at least a politically binding no-use/threat pledge (as it did in the case of the Ukraine in 1994).

To ensure that obligations with respect to the peaceful uses of nuclear energy by State Parties are met, the Tlatelolco Treaty established the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL). OPANAL is comprised of three main bodies: the General Conference, which convenes for regular sessions biennially and for special sessions when deemed necessary; the Council of OPANAL, comprised of representatives from five member states, which meets every two months in regular meetings and in special sessions when necessary; and the Secretary General. The General Conference considers

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<sup>4</sup> George Bunn, "The Legal Status of U.S. Negative Security Assurances to Non-Nuclear Weapon States," *The Nonproliferation Review*, (Spring-Summer 1997), 5

## **Building Six-Party Capacity for a WMD-Free Korea** Security Assurances

and decides on any issues as they pertain to the Treaty, and it authorizes agreements entered into with governments and other international organizations. It approves the Agency's budget as well as determines each signatory's financial contribution, and for these functions it is assisted by a Committee on Contributions, Administrative and Budgetary Matters. Delegations to the General Conference consist of a maximum of three representatives. The General Conference also establishes procedures governing the operation of the "Control System," or verification regime, of the Treaty. The Council handles actual oversight of the verification regime, and the Secretary General, as the chief administrative officer of OPANAL, is responsible for the proper operation of the verification regime.

OPANAL does not possess proprietary capacity to carry out inspections and related verification activities. Instead, these tasks have been outsourced to the IAEA. Article 13 of the Treaty states that "Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear facilities..."<sup>5</sup> OPANAL essentially provides another layer of bureaucratic, legally-mandated, oversight (above and beyond that provided by the IAEA Board of Governors and the U.N. Security Council) to ensure that signatories are complying with nuclear disarmament obligations. According to Article 14 of the Treaty, signatories are required to provide OPANAL the reports submitted to the IAEA, and, under Article 15, the Secretary General of OPANAL is empowered to ask signatories to provide further information as it relates to their compliance with the Treaty. Through Article 16, signatories can request the Council to ask the IAEA to carry out special inspections on other contracting parties. If carried out, the Secretary General of OPANAL can request that whatever information provided to the IAEA Board of Governors also be made available to the OPANAL Council, who can then transmit it to the Contracting Parties. The Council may decide, or any State Party may request, to convene a special session of the General Conference to consider the results of special inspections. And the General Conference can determine if a Treaty violation has occurred, and notify the U.N. Secretary General, the Council of the Organization of American States, and the IAEA of the transgression.

### ***An Active Model - Conference on Security and Cooperation in Europe***

On August 1, 1975 the leaders of thirty-three European countries, the United States, and Canada signed the Final Act of The Conference on Security and Cooperation in Europe in Helsinki. Negotiated over a two year period, the agreement was a politically binding declaration of principles governing relations among signatories, and it ushered in a new East-West dialogue on human rights, economic cooperation, conflict prevention and strategic stability in Europe.

In terms of confidence-building measures, the Final Act is noteworthy for several reasons. First, it established a CSBM regime entailing measures such as the notification of military

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<sup>5</sup> In the case of Argentina and Brazil, inspections and verification activities are handled by both the IAEA and by the Argentine-Brazilian Agency for Accounting and Control of Nuclear Materials (ABACC).

## **Building Six-Party Capacity for a WMD-Free Korea** Security Assurances

maneuvers and the voluntary exchange of observers at such maneuvers. While modest, this “first generation” of CSBMs paved the way for a more extensive CSBM regime in the future. Second, embedded within the Final Act was a broad conception of security encompassing both human rights and the economic dimension of security. Third, the Final Act enshrined a number of principles pertaining to inter-state relations, such as sovereign equality, refraining from the threat or use of force, and non-intervention in internal affairs, which themselves could be seen as a form of security assurance, even if they represented only political commitments. Combined, each of these strands coalesced into a conception of security that is both broad and iterative, and therefore represents a proactive model for a six-party organization in terms of implementing confidence-building measures between two entrenched adversarial camps.

The Final Act contained five main documents. The first, called “Questions Relating to Security in Europe” (Basket I), contained a “Declaration on Principles Guiding Relations between Participating States,” and a “Document on Confidence-Building Measures and Certain Aspects of Security and Disarmament.” It also included a subsection on ideas on the non-use of force and the peaceful settlement of disputes. The second major document, “Cooperation in the Field of Economics, of Science and Technology, and of the Environment” (Basket II), detailed agreed provisions in these areas. The third major document was the “Questions Relating to Security and Cooperation in the Mediterranean,” which sought to define the relationship between conference participants and nonparticipating Mediterranean states. The fourth major document, titled “Cooperation in Humanitarian and Other Fields” (Basket III), contained sections on human contacts, information, culture and educational exchanges. The last major document was titled “Follow-up to the Conference,” and it described agreed arrangements for post-conference activity.

The negotiations culminating in the Final Act proceeded through four stages: (1) The Multilateral Preparatory Talks (MPT), which lasted from November 22, 1972 to June 8, 1973, held in Dipoli, near Helsinki; (2) Stage I talks, held from July 3-7, 1973, in Helsinki; (3) Stage II talks, held from September 18, 1973 to July 21, 1975, in Geneva; and (4) Stage III, the signing ceremony, held from July 30 – August 1, 1975, in Helsinki.

At the invitation of Finland, the heads of the diplomatic missions of the participating countries in Helsinki were asked to attend the MPT, which was convened to settle various preparatory issues connected with the conference. The result of the MPT was the “Final Recommendations of the Helsinki Consultations,” otherwise known as the Blue Book. The Blue Book covered a number of organizational and procedural issues. For instance, it specified that the conference would proceed in three stages, with the first stage at the ministerial (Foreign Affairs) level, which would officially approve the Final Recommendations and present their governments’ views on the issues at stake. The second stage was to be the “working stage,” while the final document would be accepted at the third stage. The Blue Book also covered financial questions. In the “Financial Arrangement” section, the Blue Book indicated each country’s financial obligation, with larger countries such as the United States, the Soviet Union, and France each contributing

## **Building Six-Party Capacity for a WMD-Free Korea** Security Assurances

8.8 percent of the conference's total cost, with smaller countries like Iceland and Liechtenstein paying 0.2 percent of total costs.

However, the Blue Book's guidance went far beyond basic logistical details. It set the agenda for the conference by indicating the main issues or "baskets" to be addressed, and it also provided a detailed enumeration of all the issues that had to be discussed during Stage II. For instance, within the section on "Questions Relating to Security in Europe," recommendation twenty-three noted:

"In order to strengthen confidence and to increase stability and security, the Committee/Sub-Committee shall submit to the Conference appropriate proposals on confidence-building measures such as the prior notification of major military maneuvers on a basis to be specified by the Conference, and the exchange of observers by invitation at military maneuvers under mutually acceptable conditions. The Committee/Sub-Committee will also study the question of prior notification of major military movements and submit its conclusions."

Thus, the Blue Book set parameters through which negotiations on CSBMs would proceed.

One of the more noteworthy features of the Final Act was the "Declaration of Principles Guiding Relations between Participating States," encompassed within Basket I. These principles were originally compiled in the Blue Book under recommendation nineteen:

The reaffirmation, with such clarifications and additions as may be deemed desirable, and the precise statement, in conformity with the purposes and principles of the United Nations, of the following principles of primary significance guiding the mutual relations of the participating states, are deemed to be of particular importance:

- Sovereign equality, respect for the rights inherent in sovereignty;
- Refraining from the threat or use of force;
- Inviolability of frontiers;
- Territorial integrity of states;
- Peaceful settlement of disputes;
- Non-intervention in internal affairs;
- Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief;
- Equal rights and self-determination of peoples;
- Co-operation among States;
- Fulfillment in good faith of obligations under international law

Are these kinds of principles something that could be discussed and agreed to in a six-party working group, and then submitted for six-party plenary approval? Can a set of principles like this help to demonstrate a lack of mutual hostile intent?

The Blue Book also outlined the basic negotiating structure for the conference. Under the "Rules and Procedure" section, recommendation sixty-seven stated "The working bodies

## **Building Six-Party Capacity for a WMD-Free Korea** Security Assurances

of the Conference shall be the Coordinating Committee, the Committees and the Sub-Committees...” Recommendation sixty-eight stated “The working bodies of the Conference may, if they so wish, set up working groups as they may consider useful. The working bodies and working groups of the Conference shall be open to all participating bodies.” Three main committees were set up, one for each “basket”, and it was supported by eleven sub-committees and several working groups. Within the committee covering questions relating to security in Europe was a subcommittee that drafted the Declaration of Principles, and a subcommittee on CSBMs.

The size of the delegations at the CSCE varied. The Soviet delegation fluctuated between sixty and one-hundred people, while the delegation from Monaco consisted of a single official who attended the meetings of the Coordinating Committee.<sup>6</sup> Most delegations were headed by an ambassador, and in the Soviet case, by the deputy foreign minister. Also typical was that each delegation generally had three diplomats, one for each basket, in charge of the negotiations. Some basket chiefs had highly specialized backgrounds (disarmament, international law, economics, etc.), but most were career diplomats with broad experience.<sup>7</sup> Larger delegations had between one and three specialists working within each basket in order to cover the subcommittee meetings. The USSR sent an ambassador-level official to each of the three main committees, at least one specialist to each of the subcommittees, and a legal advisor to cover each of the main subjects.<sup>8</sup>

After Helsinki, the CSCE for a time was no more than a diplomatic conference, with follow-up meetings in Belgrade (1977-78), Madrid (1980-83) and Vienna (1986-89). Prior to 1990, there was no permanent structure to carry out operational functions between meetings. The institutionalization of the CSCE began with the Charter of Paris, which was signed at the CSCE Summit in 1990. This is when the *Conference* on Security Cooperation in Europe began to evolve into an *Organization* (or OSCE). Both the OSCE Ministerial Council and the Senior Council were created in the Charter of Paris.<sup>9</sup>

The CSBMs agreed to in Helsinki were modest, consisting of the voluntary obligation to provide twenty-one days advance notification on all major military maneuvers involving a total of 25,000 or more troops. The notification was to contain information on the general purpose of, and the countries involved in, the exercise, the type(s) and the total numbers of forces involved, the area involved and the estimated time-frame of its execution. Also, observers were to be invited on a voluntary and bilateral basis. This “first generation” of CSBMs was enhanced in the Stockholm Document of 1986, which was negotiated at the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe, held from 1984-86. The Stockholm Document included lower thresholds and longer time-frames for prior notification of certain military activities, and an exchange of annual military calendars of planned military activities. And, for the first time in the

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<sup>6</sup> John J. Mareska, *To Helsinki: The Conference on Security and Cooperation in Europe 1973-1975* (Durham and London: Duke University Press, 1987), 17

<sup>7</sup> Ibid.

<sup>8</sup> Ibid, 17-18

<sup>9</sup> In 1994, the CSCE became the Organization for Security and Cooperation in Europe (OSCE)

## **Building Six-Party Capacity for a WMD-Free Korea** Security Assurances

history of arms control, it provided for compulsory inspections as a means of verification.<sup>10</sup> Even so, the CSCE did not develop the capacity to undertake these inspections. Rather, the Stockholm Document signatories assigned the inspection mission to sections within their military staffs at national military headquarters.<sup>11</sup>

Demand for enhanced organizational capacity for carrying out inspections and related verification activities was given a boost in 1990 with the signings of the CFE Treaty and the successor to the Stockholm CSBMs, the Vienna Document 1990. The latter broadened the scope of mutual information exchange. Specifically, signatories agreed to the annual exchange of information on existing forces, including the structure of the armed forces, their deployments, their peacetime authorized strength and major weapons and equipment systems down to the brigade/regiment level; information about planned deployment of major weapons and equipment systems; and annual military budgets. The scope of verification was also broadened, by imposing the obligation to accept evaluation visits to military formations or units reported under the information exchange provisions. The Vienna Document 1990 also called for new forms of communication and consultation measures, including the establishment of points of contact for hazardous incidents of a military nature; a communications network able to transmit computerized information; emergency meetings, at either a bilateral or multilateral level, at the Conflict Prevention Center of the CSCE (now OSCE) to clarify unusual military activities; and the holding of an Annual Implementation Assessment Meeting of all CSCE states to assess the implementation of CSBMs.

In the Vienna Document (as well as in the Conventional Forces in Europe (CFE) Treaty), the legal authority for performing verification activities rests with the signatories. As a result, organizational capacity was established at the national, as opposed to the supranational, level. Germany established the Zentrum für Verifikationsaufgaben der Bundeswehr (ZVBW) in October 1990 to implement both the CFE Treaty and the Vienna Document 1990. In the fall of 1990, the ZVBW had sixty-five officers and noncommissioned officers, and two years later it had 400.<sup>12</sup> France also established a separate verification agency, L'Unité Française de Vérification (UFV), which consisted of an inspection and escort staff of approximately one-hundred officers and NCOs drawn from all the military services.<sup>13</sup> The UFV was also given the responsibility for implementing both the CFE Treaty and the Vienna Document 1990. NATO nations with smaller forces and fewer inspection sites assigned inspection duties to personnel within their respective national military commands. For instance, within the Dutch Ministry of Defense was a small arms control treaty coordination section. The Dutch Army had

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<sup>10</sup> Section 65 of the Stockholm Document states: "In accordance with the provisions contained in this document each participating State has the right to conduct inspections on the territory of any other participating State within the zone of application for CSBMs."

<sup>11</sup> Joseph P. Harahan and John C. Kuhn, III, "New National Verification Agencies," in *Onsite Inspections Under the CFE Treaty*, 1996. <http://www.fas.org/nuke/control/cfe/cfebook/ch2ab.html>.

<sup>12</sup> Harahan and Kuhn, "New National Verification Agencies"

<sup>13</sup> Ibid

## **Building Six-Party Capacity for a WMD-Free Korea** Security Assurances

approximately eighty officers and NCOs trained as CFE inspectors, the Dutch Air Force had thirty-five, and the Navy had one.<sup>14</sup>

While verification capacity exists at the national level, within the OSCE there exist structures that permit multilateral security discussions as well as more specific consultations on the effectiveness and refinement of CSBMs. The Forum for Security Cooperation (FSC) within the OSCE was created in 1992. The main objectives of the FSC are: a) negotiations on arms control, disarmament and confidence- and security-building; b) regular consultations and intensive cooperation on security-related matters; c) further reduction of the risks of conflict; and d) implementation of agreed measures. It meets weekly in Vienna, and it serves as the forum for the Annual Implementation Assessment Meetings to discuss the implementation of CSBMs. The 2000 meeting, held from February 28 to March 1, featured working groups on the annual exchange of military information, defense planning, military activities, compliance and verification, risk reduction, contacts, regional measures, and communications.<sup>15</sup>

The FSC has also served as a forum for updating agreed-upon CSBMs. For instance, the Vienna Document 1994, which expanded upon the previous CSBMs regime by introducing additional thresholds for notification and observation, was negotiated within the FSC, and in November 1999, the FSC adopted the Vienna Document 1999, the latest CSBMs regime. The FSC is supported by the FSC Support Unit, which is located within the OSCE Conflict Prevention Centre. The Support Unit compiles databases of information exchanged by member states. It also maintains the OSCE Communications Network, which links capitals of participating countries to foster the timely exchange of information regarding the implementation of CSBMs and other military treaties.

Thus, as can be seen, organizational capacity is located at the national level, and supranational bodies such as the FSC do not have decision-making authority over the implementation of CSBMs. However, the FSC does offer a venue where learning takes place. The Annual Implementation Assessment Meetings allow for the incorporation of feedback derived from actual experience in implementing CSBMs, leading to more refined and effective CSBM regimes. And, by running the OSCE Communications Network, a supranational organization has assumed the role of providing a regional service that otherwise might not be provided if left to the responsibility of a single nation-state.

The CSBM regime initiated by the Final Act is also supportive of efforts to monitor adversaries' military capabilities. OSCE countries annually exchange information on their respective force structures, and each year they are entitled to both carry out and receive inspections designed to verify the exchanged data. As a result, the CSBM regime negotiated at Helsinki represents a proactive and ongoing attempt to build confidence and assurance among former adversaries. It does not represent a relatively passive model whereby adversaries exchange non-aggression promises that may ultimately be ignored.

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<sup>14</sup> Ibid

<sup>15</sup> See [http://www.osce.org/docs/english/chronos/fscai046\\_00.pdf](http://www.osce.org/docs/english/chronos/fscai046_00.pdf).

## **Building Six-Party Capacity for a WMD-Free Korea** Security Assurances

Skeptics will correctly argue that we are a long way from seeing the six-party talks develop to the point of the Helsinki negotiations, especially given North Korean reluctance to address human rights issues on America's terms. Yet, it is worth noting that the Soviet Union was also quite hesitant to agree to a document with such explicit references noting the importance of human rights. In the end, however, it acceded, and in return for at least paying lip-service to the importance of human rights, the USSR got what it really wanted, which was a proxy World War II peace conference that recognized the Soviet Union's sphere of influence in Eastern Europe as well as the territorial changes resulting from the war, such as the division of Germany and the incorporation of the Baltic republics into the USSR. Conceivably, North Korea may be willing to make a similar exchange, acknowledging the importance of human rights, and accepting a verification regime that has access to its nuclear and military installations, in return for political commitments by the United States to respect its sovereignty and refrain from intervening in its domestic affairs. Needless to say, there are many in both countries who might find such an agreement difficult to swallow.

### *Questions/Topics for Consideration*

- Can any agreement or organization overcome the overarching complexity and asymmetry in the security situation on the peninsula (i.e., U.S. concern regarding WMD and missile proliferation, ROK concern regarding DPRK conventional military quantity, DPRK concern regarding U.S./ROK conventional military quality, and Japanese concern regarding DPRK domestic deployment of WMD and missiles)?
- If a six-party role is advisable, where on the “passive-active” spectrum can and should a six-party organization be positioned? Is it at most a negotiating forum for general security assurance principles and a body to help arbitrate disputes, or could it develop and implement multilateral CSBMs as a way to strengthen mutual security commitments? Is it merely a coordinator of national initiatives, or should it take on a supranational character?
- Should a six-party organization serve as a setting for the provision of negative security assurances to the DPRK, assuming the latter rejoins the NPT as a non-nuclear weapon state? If so, to what extent are the issues of nuclear verification and monitoring inextricably linked to the issue of security assurances?
- Should a six-party organization serve as a forum for emergency bilateral and multilateral meetings, much like the Conflict Prevention Center does within the OSCE?
- Should a six-party organization serve as a forum for developing a CSBM regime for the Korean peninsula? If so, should it develop the organizational capacity to undertake verification tasks associated with the CSBM regime? Or should it serve as a forum for reviewing the implementation of a Korean CSBM regime and incorporating feedback?

## **Building Six-Party Capacity for a WMD-Free Korea**

### Security Assurances

- Is there an inter-Korean role for implementing CSBMs? Should only the two Koreas carry out inspections on each other, with a six-party organization serving as a setting for dispute resolution and as a forum for a security dialogue, while also focusing on the provision of softer CSBMs, such as hotlines and a common database on force structures? How could six-party and bilateral North-South CSBMs be connected?
- How could a six-party commitment to regional security be articulated, monitored, funded, and strengthened?