

# The 2012 Nuclear Security Summit

## A View from Seoul

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The Republic of Korea (ROK) has been and remains a staunch supporter of the global non-proliferation regime as it borders a grave security threat and proliferator of weapons of mass destruction (WMD). South Korea is also familiar with the barrier created by nuclear proliferation to economic growth, trade and investment.

Seoul's concerns soon evolved to recognize a new security threat, namely the nexus between terrorists and nuclear devices. This prompted the leadership to lend its full support for UN Security Council resolution (UNSCR) 1540 in hopes of helping fill the gap in the existing nonproliferation regime.

With the [2012 Nuclear Security Summit](#) just months away, the Republic of Korea should be more interested in enhancing UNSCR 1540, not only as the Summit Chair but against the backdrop of a "Global Korea" policy and the nation's growing prominence in the nuclear energy industry.



### CONTEXT

The ROK's top national security threat and challenge is North Korea. This explains Seoul's sensitivity to nuclear matters, as well as its natural tendency to frame policies in the context of this threat.

When 1540 was adopted in 2004, however, Seoul considered it as an international effort to combat terrorism in the aftermath of 9/11 rather than in the context of the North Korean nuclear threat and the North's proliferation activities. It was two years before Pyongyang tested its first nuclear device, and the political climate at the time

remained hopeful for a negotiated settlement to Pyongyang's nuclear ambitions.

Supporting 1540 was uncontroversial in the ROK at the time—even for the Roh Moo-hyun administration, which preferred to avoid aggravating its northern neighbor, because the resolution targeted non-state actors and not states. If 1540 had targeted states, the story may have been different.

Resolution 1540 is generally considered complementary to efforts countering North Korea's proliferation activities. This is particularly true since [UNSCRs 1718](#) and [1874](#), adopted after Pyongyang's two nuclear tests, provided a robust sanctions regime against Pyongyang's proliferation activities.

The adoption of 1540 also came amid Seoul's efforts to construct the Kaesong Industrial Complex, a symbol of engagement between the two Koreas. This highlighted the need for more stringent export controls. For some observers, the Kaesong project naturally fanned awareness of 1540.

### KOREAN INTEREST

While UNSCR 1540 targets non-state actors, South Korea still sees an interest in such international efforts because it borders a major nuclear threat and a proliferator believed to assist non-state actors. A 2010 UN Panel of Experts report documented suspected illicit North Korean transactions with Myanmar, Syria, and Iran on WMD, missiles, and conventional weapons. The fall 2011 release of an International Atomic Energy Agency (IAEA) report on Iran spurred a flurry of media reports on the Iran-North Korea WMD connection. This complex network, believed to fuel Pyongyang's foreign currency stockpiles, is apparently sophisticated enough to dodge export controls.

The Republic of Korea would have a vested interest in 1540 because stringent regional export controls could help alleviate tensions on the peninsula and foster peace, the country's top national security priority. A more peaceful setting is expected to foster sustained economic prosperity. For example, at the 2005 Asia-Pacific Economic Cooperation (APEC) summit in Busan, South Korea agreed to implement the [IAEA Code of Conduct on the Safety and Security of Radioactive Sources](#) and the [IAEA Guidance on the Import and Export of Radioactive Sources](#). Both have since been incorporated into South Korea's national legislation. The agreement was a recognition that "terrorism and WMD proliferation pose a direct challenge to the basic principle of APEC for trade and investment liberalization."

The ROK rose rapidly from the ashes after the 1950-1953 Korean War to become the world's thirteenth-largest economy, which relies heavily on international trade and investment. It is renowned for exporting high-tech industrial goods and equipment, which not only obligates government officials to exercise vigilance against the potential misuse by rogue states and non-state actors, but it means that South Korea has everything to lose from a porous or failed global nonproliferation regime. Recognizing this, Seoul has beefed up its own export controls with stringent notification measures for domestic trading companies.

The Republic of Korea has also emerged as a fierce competitor in the global nuclear industry governed by [Nuclear Suppliers Group guidelines](#) and national export control regulation. However, Seoul's growing presence as a nuclear exporter further obliges it to exercise stronger vigilance over nonproliferation conditions and over export controls on transfers of nuclear items.

Finally, the Republic of Korea has an interest in 1540 because its cooperation with allies overseas has opened the door to it becoming a possible target of terrorist attacks. In 2004, for example, al Qaeda warned that it would "make Korea suffer" if South Korean troops were not pulled out of Iraq. The Taliban beheaded a Korean worker in Iraq that same year. Wikileaks documented North Korean missile sales to al Qaeda and the Taliban in 2005.



SOUTH KOREA ON THE GROUND

Since the adoption of UNSCR 1540, South Korea has established the necessary legal and administrative systems to ensure compliance, committing to full implementation of these measures at the national, regional, and international levels. For example, it has been enforcing "catch-all" controls since 2003, an online management system known as "Yestrade" since 2005, and controls on intangible transfers of technology.

Criminal laws are applied to terrorism, and trade and export control laws are applied to non-state actors involved in proliferation activities. From 2003-2010, there have been about 25 cases in which the South Korean government penalized and slapped export bans on firms found to have violated export controls and regulations. In 2003, for example, company "W" was found to have illegally exported sodium cyanide to China, which was then exported to North Korea. The case resulted in an 18-month jail sentence, two years of probation, and a one-year export ban.

As for outreach, the government has held regular seminars with the private sector to raise awareness about strategic materials and the need for export controls. On a regional and international

level, the Republic of Korea has forged bilateral consultative groups while joining global initiatives such as the Proliferation Security Initiative, the G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, and the Global Initiative to Combat Nuclear Terrorism. It also hosts joint international conferences, including the annual “ROK-UN Jeju Process” on Disarmament and Nonproliferation.

#### UNSCR 1540 AND NUCLEAR SECURITY SUMMITS (NSS)

The ROK, which focuses more on states’ proliferation behavior because of North Korea, faces an important juncture ahead of the 2012 Nuclear Security Summit. It is the Summit Chair, and the world’s paradigm for nuclear security is apparently focusing more on non-state actors. Expectations are high that the Republic of Korea should continue to strengthen nonproliferation measures in light of its NSS chairmanship and expanding share of the global market for nuclear reactors.

The NSS can provide the political impetus to implement UNSCR 1540, just as it can for IAEA nuclear security activities. While 1540 falls under the auspices of the United Nations, the NSS can help resolve problems that would otherwise be difficult to deal with under the UN system.

It may be politically difficult for the 2012 NSS to agree on specific, detailed steps to further advance the implementation of 1540. Instead, the most realistic and practical method to advance 1540 could come in the form of “house gifts” (national voluntary commitments) from individual heads of state. As the NSS Chair, Seoul should encourage such donations while the United States should continue to lead the global nonproliferation regime.

For example, participating states could be encouraged to present house gifts in the form of voluntary funds to be used for 1540 implementation. World leaders could request and provide assis-

tance and collaboration, particularly for countries that regard domestic challenges as more immediate priorities or lack the institutional capacity and resources to accommodate 1540 legislation. Leaders could also agree to work nationally, bilaterally, and multilaterally toward strengthening the legal framework and export controls. Other house gifts could come in the form of national reports to the 1540 Committee.

Finally, it is also important to engage the private sector amid this rapidly globalizing world. Businesses are vital to implementing national legislation governing exports of advanced equipment, technologies, and related items.

#### FURTHER READING

[T]he most realistic and practical method to advance 1540 could come in the form of “house gifts” (national voluntary commitments) from individual heads of state.

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