

BRIEF:

The Implications of a Peace Agreement for Denuclearization

A peace-first approach is key to de-escalating the nuclear standoff and creating space for a negotiated resolution.

1. A peace agreement would reduce the risk of an intentional or accidental nuclear escalation.

- a. The specter of nuclear war has loomed over the Korean Peninsula since the outbreak of the Korean War, when the United States first considered the use of nuclear weapons. The risks are now compounded by North Korea having its own weapons, which it presents as a deterrent against “the US nuclear threat.”
- b. Insisting on a “denuclearization first, peace later” approach has not only been ineffective, it has prolonged and exacerbated the security crisis. Pressure-based denuclearization efforts have narrowed the political space for an end to the conflict.

2. A peace agreement does not legally undermine denuclearization efforts. Peace and the nuclear dispute are legally distinct issues.

- a. A peace agreement would not imply recognition of North Korea as a nuclear weapons state. This concern is based on a misunderstanding of a term of art from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The NPT does give certain privileges to “nuclear-weapons states,” but only recognizes those states that detonated a nuclear weapon prior to 1967. Therefore, under the NPT, North Korea cannot claim the privileges of a “nuclear-weapons state.” This rule cannot be changed by a peace agreement.
- b. The UN Security Council resolutions sanctioning the North Korean nuclear program do not depend on the existence of a state of war. There are numerous examples of the Council adopting sanctions even in peacetime, as in the case of resolutions sanctioning the Iranian nuclear program.

3. A peace agreement may improve, if not establish, the conditions for addressing the North Korean nuclear program.

- a. A peace agreement could include disarmament provisions. Practically speaking, though, the United States, which has the second-largest nuclear arsenal in the world, is in a difficult position to compel North Korea to denuclearize.
- b. One option that may be compatible with the national security calculus of all sides is to agree on an arms control mechanism to verifiably freeze the development of the North Korean nuclear program with corresponding measures.
- c. The fairest and most desirable course of action, not just for the parties to the Korean War, but for humanity as a whole, is for all nuclear-armed states to join the Treaty on the Prohibition of Nuclear Weapons.

