

Hope Over Experience

Denuclearizing the North

—Mitchell B. Reiss—

IS THE North Korea agreement reached on February 13 of this year a bad deal? Let us recall that the State Department called this deal “only a first step”, and that sounds about right. Obviously, much depends on whether North Korea will honor its part of the agreement. We’ve been down this road before with the Agreed Framework. Samuel Johnson’s remark about second marriages comes to mind. He called them “a triumph of hope over experience.” So we can be hopeful, but we should also be extremely cautious based on our previous experience with North Korea. Sometimes second marriages work out; sometimes they don’t.

At this point, we still cannot be certain of North Korea’s intentions. Is North Korea ready to abandon its nuclear-weapons program, return to the Nuclear Non-Proliferation Treaty (NPT) and permit intrusive international inspections? Does Kim Jong-il believe he stands a better chance of sustaining himself in power if he abandons nuclear weapons, receives external economic assistance and starts to integrate his country into the broader regional economy? Pyongyang has still not answered these questions.

From the American perspective, the

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deal’s *potential* strengths are twofold. First, it could suspend North Korea’s ability to separate more plutonium for its nuclear weapons program. Second, it could provide a diplomatic framework for turning that suspension into a permanent elimination of the North’s program.

Former Clinton Administration officials have said that we could have had this deal four years ago, before the Democratic People’s Republic of Korea (DPRK) separated additional plutonium and tested a nuclear device. It isn’t criticism; it’s political commentary. Even if it’s true, it is completely beside the point. We are where we are and have to figure out how best to proceed.

With regards to the current deal, there are three broad categories of criticisms. Interestingly, two of the three are found inside the Bush Administration.

It is no secret that some administration officials have opposed engaging North Korea. They are roughly divided into two camps: those who oppose engagement on ideological grounds and those who oppose it on more pragmatic grounds.

The ideological argument is that talking with Pyongyang would legitimize a fundamentally illegitimate regime, one led by “evildoers”, in the president’s memorable phrase. The pragmatic argument against engagement is that negotiations are a fool’s errand, as the North has proven time and again that it will renege

on any deal.

Both camps also argue that engagement weakens the resolve of the other members of the six-party talks to impose tough sanctions and only serves to perpetuate Kim Jong-il's regime. And both make the logically unassailable point that Washington only adopted greater negotiating flexibility after the DPRK tested a nuclear device on October 9, 2006. In essence, they maintain that this deal represents our "rewarding" Pyongyang's bad behavior. And the risk is that Pyongyang may now believe that further bad behavior will again be rewarded with further concessions at the negotiating table. Some of these points have much merit.

The third category of criticism is really "inside baseball" and arises from parsing the joint statement itself. A close reading raises some questions that will need answering as the parties move forward.

In Section II(1), North Korea pledges to shut down and seal the Yongbyon nuclear facilities and allow International Atomic Energy Agency (IAEA) inspectors to monitor and verify this step "as agreed between IAEA and the DPRK." So, one question is whether the shutting down and sealing of Yongbyon will be performed during the first sixty days, what the joint statement calls the "initial phase", or whether it will depend on when North Korea and the IAEA reach agreement, which could be very much longer.

The same question over timing arises in the next paragraph, where North Korea says it will "discuss" a list of all its nuclear programs within this initial phase. Again, this discussion may go on for a very long time. Language elsewhere in the joint statement stipulates that these and other actions "will be implemented within the next 60 days", so I think we should be prepared for Pyongyang to argue that it is meeting its obligations if it enters into discussions rather than having these discussions result in an agreement

at the end of sixty days.

As many people have noted, the joint statement contains no explicit mention of uranium enrichment. To be sure, there are references to "all nuclear programs" and "nuclear facilities", which presumably means that a complete listing would capture any uranium-enrichment capability. But the North Koreans have repeatedly denied that they have a uranium-enrichment program or facilities. I would feel more comfortable if there was explicit reference to "all nuclear technologies" or "all nuclear-related technologies" to make extra certain that the uranium-enrichment technology we know North Korea has imported is covered by the "denuclearization" and "disablement" language.

It's possible the negotiating record, which has not been made public, clarifies these points, but U.S. officials need to make clear our expectations that North Korea will not be allowed to keep any nuclear facilities, technologies or materials under any circumstances.

The joint statement also establishes working groups to hammer out the details of implementing the deal. The idea of working groups is excellent and one I advocated when I was in the administration. But I had in mind no more than one or two, because five working groups will present additional challenges for both North Korea and the United States.

We should expect North Korea to use the working groups to revisit settled issues, resist compromises and push for additional concessions; discussions on denuclearization will be especially tough going. As we all know, the devil is in the details. Let me cite just one example: How do we handle North Korea's nuclear devices? The IAEA is not going to be allowed to verify or take possession of any nuclear devices. And we don't want any South Korean or Japanese officials to have this responsibility or, indeed, officials from any non-nuclear weapons state. So we will have to work out how to do

this with the Chinese, Russians and, of course, the North Koreans. Assuming we even get that far, that promises to be a very interesting conversation.

We should also expect the working groups to encounter procedural difficulties. Based on my experience negotiating with the North Koreans, it is clear they do not have a very deep diplomatic bench. In other words, they have a limited number of competent and trusted officials, and most of them are “stove-piped” into their respective ministries. Consequently, there is a significant risk that five active working groups would overwhelm their system. So what I envision is that North Korea will not agree to these groups meeting simultaneously, as some U.S. officials might expect, but rather seriatim.

The challenge for the Bush Administration is rather different. Up until this point, Ambassador Christopher Hill has been able to operate virtually independent of the bureaucracy, both in Berlin and Beijing. The issues raised in the working groups will have to be farmed out to an interagency process, allowing internal critics of this more robust engagement an opportunity to raise objections and try to derail subsequent negotiations. Managing the internal squabbling and forging coherent administration positions will test Ambassador Hill’s formidable bureaucratic skills.

In addition, at some point in each of these working groups an impasse will be reached. At that time, the United States should expect that one or more of the other parties will pressure the United States to make additional concessions to appease North Korea. We saw this dynamic in the 1993–94 negotiations leading to the Agreed Framework. The six-party format now institutionalizes the opportunity for this lobbying on Pyongyang’s behalf. This is not an insuperable problem—one can always hold firm—but it is one that U.S. negotiators need to an-

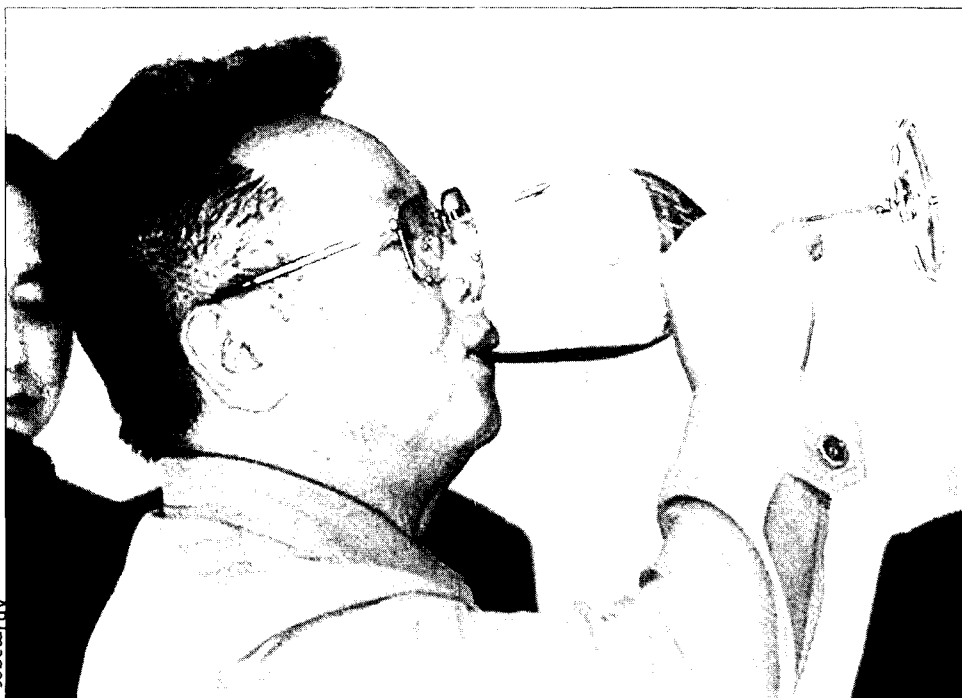
ticipate and counter.

There are other concerns. As always, we need to be mindful of how our diplomacy towards the North affects our alliances in the region, especially with Japan and South Korea.

I understand we did not give Tokyo much advance warning of the negotiations in Berlin, which was regrettable. Also, the joint statement does not mention North Korea’s ballistic missiles, which have been a particular concern for the Japanese, dating back to the North’s 1998 flight test over Honshu. Of equal if not greater concern for many Japanese is the issue of their fellow citizens abducted by North Korea. Given sensitivities in Japan over the abductions, the United States has always maintained that this issue and the nuclear issue had to be resolved at the same time.

After the February 13 joint statement, Japan stated that it will not participate in providing any economic or energy assistance to the North until the abduction issue is resolved. But Prime Minister Shinzo Abe, who has long championed the abduction issue, has subsequently been whipsawed between conservative elements and family members of the abductees, who insist on this hard-line stance, while others are concerned that Tokyo is losing an opportunity to influence the talks and help shape the future of northeast Asia.

Another concern is how the six-party talks will influence the relationship between the United States and the Republic of Korea (ROK), which has been strained in recent years. Some in South Korea believe that the United States has now adopted a more positive and constructive engagement with the North, which may boost America’s political standing there, ease strains between the Blue House and White House, and dampen some of the anti-Americanism in the run-up to this year’s presidential election in South Korea.



AP Images

Drinking to his health?

Some conservative elements in the South, however, caution that a nuclear deal with North Korea may cause the Roh Moo-hyun Administration to prematurely celebrate the amity between the two Koreas and provide excessive benefits to Pyongyang without insisting on reciprocal measures. Such a reaction could result in South Korea further lowering its defenses, both psychologically and militarily, against a country that still poses a severe threat. If that happens, it would cause more heartburn in the U.S.-ROK alliance.

So is this a good deal for the United States? The better question to ask is whether this deal has the potential to promote U.S. national security, after carefully reviewing all other available options.

There is no doubt that eliminating the Kim Jong-il regime would be highly desirable; he's a brutal dictator who presides over the world's largest political prison. But regime change by military means is neither a realistic nor at-

tractive option, and there is little evidence that regime change by internal *putsch* is anything more than wishful thinking, with the added uncertainty as to whether the next "Dear Leader" would be any better than the current one.

Much depends on how this all plays out, but on balance, the deal has the potential to enhance U.S. national security.

A large reason is that the six-party talks are about more than curtailing North Korea's nuclear ambitions, as important as that objective is. What's really at stake here is the vigor of our alliances, the future of northeast Asia, America's stature and standing in east Asia, and our global efforts to prevent nuclear proliferation. Again, depending on how this all plays out, more actively engaging North Korea in the six-party talks may shore up our positions across the board.

The February 13 joint statement locks the North Koreans a little more firmly into a diplomatic process that promises to bring greater reliability and

less uncertainty to the security situation in northeast Asia and, at the same time, to slowly integrate North Korea into the most economically dynamic region in the world. Conversely, it makes it marginally more difficult for North Korea to walk away from the negotiating table, resume its threatening behavior and maintain its isolation. And the joint statement means that the expectations of the other members of the six-party talks have all been raised slightly. These are intangibles, but they should not be underestimated.

They should not be overestimated, either. The situation is incrementally better today than it was previously, but the final answer will depend on how many more “increments” are taken and how quickly.

Another point to raise is whether the deal is verifiable and enforceable. In theory, yes. In practice, we don't yet know. What we do know is that the negotiations over verification and compliance are going to be contentious. In fact, we've some indication of that already. A Korean Central News Agency report announcing the February 13 joint statement claimed there would be only a “temporary suspension of its nuclear facilities”, contrary to the North's pledge in the joint statement to “shut down and seal for the purpose of eventual abandonment” its nuclear facilities. This same news report also claimed that the other parties agreed to provide economic and energy assistance to the North before it dismantled its nuclear facilities, again contrary to the terms of the joint statement.

A pertinent question to ask is: How much certainty do we need in order to have confidence that the North's entire nuclear-weapons program has been fully captured? Under the terms of the joint statement, the North will have to “discuss a list of all its nuclear programs” and then allow the IAEA to monitor their nuclear dismantlement (or presumably removal from the country). The very idea that

there needs to be a discussion at all suggests that Pyongyang sees this process as a further negotiation, and not a mere recital or inventorying of its nuclear facilities.

At issue is not whether North Korea can be trusted to keep its part of any bargain—it can't. Rather, the challenge is to craft reciprocal steps so that at any point in this process the United States is not in a worse position than it would be otherwise should North Korea start backsliding.

Even so, it is doubtful that any negotiation will end with us feeling 100 percent confident that the North has revealed all of its nuclear facilities, technology and fissile material. So how much uncertainty can we live with? How much is too much? During the arms-control negotiations between the United States and the Soviet Union, one standard that was cited was whether any uncertainty (or undetectable cheating) would be “militarily significant.” In the North Korean context, would a discrepancy of three or four bombs worth of fissile material be militarily significant? Absolutely. Three or four grams worth? Probably not. But what about an amount in between? This could be a very tough call. And it is likely that different members of the six-party talks would view this uncertainty differently, with various degrees of alarm or complacency. It is important to keep in mind that, at the end of the day, this will be a political, not a technical, judgment.

Yet another concern raised is whether this agreement enhances or detracts from our efforts to stem proliferation and promote non-proliferation. Although proliferation is often characterized as a global problem, the reality is that there are only a handful of countries we are truly worried about at any one time. Obviously, North Korea, along with Iran, is at the top of the list.

A North Korea that completely surrenders its entire nuclear-weapons pro-

gram and receives its rewards according to the terms of the joint statement could serve as encouragement for Iran to negotiate the surrender of its nuclear-weapons program. It would be proof positive that the United States could abandon regime change, reconcile itself to a diplomatic solution and assist in the re-integration of a pariah state into the global community.

However, there are two factors that undercut this more optimistic scenario. First, it is likely that the time frame in which North Korea denuclearizes, if that happens at all, would be at odds with the time frame for an Iranian decision on whether to produce enough enriched uranium for nuclear devices. In other words, technical progress in the Iranian program may present Tehran with a critical choice well before the North Korea case plays itself out. Under that scenario, North Korea would not really be relevant.

Second, it seems more likely that Tehran will determine the future of its nuclear program according to whether a nuclear arsenal advances its national security, enhances its status or satisfies important domestic constituencies, compared to the alternatives available. Factors at home and in the region loom much larger in that assessment than the situation with North Korea. Consistent with this more pessimistic judgment is the recent testimony of the Director of National Intelligence, Admiral McConnell, who stated that, "We assess that Tehran is determined to develop nuclear weapons."

Nevertheless, it would still be an important victory for U.S. non-proliferation efforts if North Korea surrenders its entire nuclear-weapons program.

But it would be a more lasting victory if two additional steps take place after the North's denuclearization. First, it is in Washington's long-term interest to strengthen the IAEA, whose inspection system is really "where the rubber hits the road." A comprehensive verification and compliance regime for North Korea that enhances the status of the IAEA would be very helpful.

Second, if North Korea gives up its nuclear programs, its subsequent but gradual integration into the regional and global economy and the establishment of normal diplomatic relations with its former adversaries would powerfully demonstrate that countries can improve their security not by developing nuclear weapons, but by abandoning their nuclear ambitions. It would serve as a very useful example for others to follow.

The danger for the non-proliferation regime is if the nuclear deal does not move forward, but instead gradually grinds to a halt because of endless wrangling over access to this or that site. If North Korea emerges from this diplomatic process with its nuclear-weapons program intact and with the other members of the six-party talks unwilling to impose tough penalties on Pyongyang, then we risk undermining the NPT, the IAEA and global non-proliferation efforts. □



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