

**NORTH KOREA:  
A PHASED NEGOTIATION STRATEGY**

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## NORTH KOREA: A PHASED NEGOTIATION STRATEGY

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Time is slipping away for a peaceful resolution of the nuclear crisis on the Korean Peninsula.

North Korea has withdrawn from the Nuclear Non-Proliferation Treaty and pulled out of the 1994 Agreed Framework, a plan to provide it with energy in exchange for abandoning its nuclear weapons ambitions. It has restarted its plutonium generating nuclear reactor at Yongbyon and now claims to have such weapons. Even if this claim is not true and is being made to push the United States into negotiations, the situation is extremely dangerous. North Korea has the materials and the capability to develop nuclear weapons – more than 200 of them by 2010. A nuclear-armed North Korea could threaten its neighbours and could export weapons, nuclear material or technology to other countries or terrorist groups. Even if it refrained from actively proliferating weapons, its possession of them could spark a nuclear arms race in Northeast Asia.

Pyongyang says it needs a nuclear deterrent because it feels threatened by the United States. North Korean officials also say they will negotiate them away in exchange for security guarantees and economic aid. The administration of President George W. Bush has said it will not bow to nuclear blackmail or reward bad behaviour. A round of talks among the U.S., North Korea and China in Beijing in April 2003 was mostly a statement of their positions with no real negotiations. Another round is being discussed, but progress is painfully slow.

Those dealing with North Korea face some key uncertainties. It is unclear how much fissile material the country has and how many weapons it

may have constructed. U.S. intelligence believed it may have had two by the early 1990s; North Korea now says it has material to make six and intends to move quickly to do so. It is unclear whether such weapons are or would be small enough to be delivered on missiles or planes. It is uncertain how much more fissile material it could obtain from Yongbyon, or some other possible reprocessing plant, or how much it has or can obtain from enriching uranium. And nobody knows whether North Korea is truly willing to negotiate away its weapons or has decided that it must have a nuclear deterrent to ensure its survival.

These uncertainties make it extremely difficult for the United States – and the key regional countries with which it needs to act in concert – to come up with a policy response to North Korea's program. The full range of available options is discussed in this paper: some are more realistic than others but all have major disadvantages:

- ❑ North Korea could just be accepted as a nuclear power, as others have been, but the dangers of this appear unacceptably high.
- ❑ The current situation could be maintained, under which North Korea, in exchange for unofficial security guarantees, does not test or trade its weapons. But this offers no guarantee that North Korea would not escalate the situation at any time.
- ❑ There could be serious negotiations, for most the preferred – and still most likely – option. But multiple uncertainties remain as to whether an acceptable deal can and will be offered, agreed to and implemented.

- There could be coercion falling short of military action, involving sanctions and interdiction. But there are concerns about both the cost to the North Korean people and the likely impact upon the regime of such an approach.
- There could be use of military force, either a limited strike on the Yongbyon and other nuclear facilities or an effort to change the regime by force, probably involving a full-scale invasion of the country. But there is no guarantee that a limited strike would eliminate the weapons program, and it could provoke massive retaliation. An invasion would have terrible consequences for the Korean peninsula and the wider region.

The U.S. wants the “complete, irreversible and verifiable elimination of North Korea’s nuclear weapons program.” It also wants to achieve the elimination or verifiable control of other destructive weapons, including biological and chemical weapons and missile systems. North Korea wants a pledge that the U.S. will not overthrow the Kim Jong-il regime, a pledge that it will not be attacked, and economic assistance. The respective demands may appear straightforward, but the obstacles to reaching agreement are formidable.

Verifying any agreement will be a major challenge as North Korea may have as many as 15,000 underground sites. North Korea’s history of deception and secrecy rules out trust or the benefit of any doubt. As a result any inspection regime will have to be extremely intrusive, something that has been resisted in the past. Reassuring the North that it will not face regime change at the hands of the U.S. military has been made more difficult by the Iraq war and the inclusion of North Korea in the “Axis of Evil”: the U.S. may have to acknowledge that Kim Jong-il’s survival in power is part of the price to be paid to rid the Korean peninsula of nuclear weapons.

Negotiations will also be complicated by the fact that South Korea, Japan, China and Russia all want their views heard. The U.S. has been insisting on multilateral talks, but North Korea feels outnumbered and wants an agreement directly with the United States. That said, both sides have been modifying their earlier positions: trilateral talks have already been held in Beijing, and a wider multilateral framework can in practice accommodate bilateral

talks within it. Process is less of a problem than substance.

All parties agree that it is unacceptable for North Korea to become a nuclear power. All say they want to see a negotiated settlement. But they diverge in how this is to be achieved:

- China is North Korea’s closest ally and has the most leverage to get it to the table in a way acceptable to the United States. It has recently been taking a firmer line with Pyongyang. But it has been reluctant to support sanctions, let alone military force.
- South Korea’s policy of engagement with the North has been set back by the nuclear crisis, but there continues to be very strong opposition to the use of force, not least because this could well lead to the destruction of Seoul.
- Japan’s relations with the North had been warming, but a dispute over Japanese kidnapped by Pyongyang’s agents and rising concerns over missiles have pushed Tokyo closer to Washington.
- Russia opposes sanctions or the use of force.

The way forward is for the U.S. to embrace – and to persuade China, South Korea, Japan and Russia to support, or at least acquiesce in – a four-phased approach that would start with the U.S. giving North Korea a conditional security assurance in return for a verifiable halt in its nuclear program; move from there to time-limited substantive negotiations; then escalate to sanctions, and ultimately to the use of military force, if and only if these latter steps became necessary. To be successful, any diplomatic approach will have to be married with a credible threat of force - but only if all diplomatic means are exhausted is there any chance of countries in the region supporting a more forceful approach. What is clear is that time is of the essence: North Korea is not likely to collapse any time soon, and a patient policy of containment without more would only allow it time to develop more weapons.

Any military conflict on the Korean Peninsula would be a catastrophe, especially for the many civilians in both Koreas. Balanced against this is the prospect of Pyongyang proliferating and supplying other countries and terrorist groups with fissile material and nuclear bombs. Should that happen, then no city in the world would be safe.

Effective diplomacy, vigorously pursued and delayed no longer, is the only way of peacefully resolving the contemporary world's most serious security dilemma.

## **RECOMMENDATIONS:**

### **To the United States:**

1. Embrace – and seek to persuade China, South Korea, Japan and Russia to support or at least acquiesce in – a four-phased strategy as follows:

#### **Phase I: Conditional Security Assurance**

The U.S. would state publicly that it would not attack or otherwise use coercion against North Korea while time-limited negotiations took place, in return for North Korea halting in a verifiable manner all activities at its declared nuclear facilities, and giving a full accounting of its known 8,000 fuel rods and any plutonium that may have derived from them.

#### **Phase II: Time Limited Negotiations**

The U.S. would offer North Korea an agreement, to be negotiated to conclusion within six months, including the following key elements:

- a) on the North Korean side, complete, verifiable and so far as possible irreversible elimination of North Korea's nuclear weapons program;
- b) on the U.S. side, a pledge not to use nuclear weapons against or otherwise attack North Korea; mutual normalisation of diplomatic relations; a willingness to accept the continued existence of the Kim Jong-il regime; economic support for North Korea, including food and energy assistance, through an international consortium; and facilitation of access by North Korea to the international financial institutions.

#### **Phase III: Sanctions**

Should negotiations not be successfully concluded within six months the U.S., with the support of the other regional powers, would implement a graduated series of sanctions,

beginning with measures to deny hard currency to North Korea (like stopping remittances from ethnic Koreans in Japan), extending to the interdiction of ballistic missile shipments, and ultimately embracing suspension of energy supplies and all trade with North Korea.

#### **Phase IV: Military Force**

Should North Korea respond to sanctions by taking significant military action, or there be credible evidence of it preparing to use nuclear weapons or transfer them to any third state or non-state entity, the U.S., with the support of the other regional powers, would take such military measures as are necessary and appropriate to respond to the threat in question, not excluding full-scale invasion.

### **To South Korea:**

2. Coordinate its policy on engagement with North Korea with U.S. policy, accepting the implications of embracing the proposed four-phased strategy for domestic policy, so as to ensure that North Korea is not able to exploit any gaps in the relationship.

### **To China:**

3. Maintain pressure on North Korea to get it to the table and to ensure that it does not raise tensions by engaging in reprocessing, or further reprocessing of spent fuel rods, testing a nuclear weapon or firing ballistic missiles; embrace the proposed four-phased strategy and, in particular, accept the necessity for diplomacy to be ultimately backed by credible force.

### **To Japan:**

4. Coordinate policy closely with the U.S., China, South Korea and Russia, accepting the implications for domestic policy (eg. on bilateral relations with North Korea) of embracing the proposed four-phased strategy.

### **To Russia:**

5. Work closely with the other countries involved, urge North Korea to a more moderate position and avoid undercutting the unanimous disapproval of Pyongyang's behaviour.

**Washington/Brussels, 1 August 2003**



## NORTH KOREA: A PHASED NEGOTIATION STRATEGY

### I. INTRODUCTION

North Korea's efforts to develop nuclear weapons present North East Asia, the United States and indeed the whole international community with an extraordinarily serious security challenge. There is a high risk that North Korea might sell weapons, nuclear material or technology to others, including possibly to terrorist organisations. There is an increasing probability that it already has substantial stocks of fissile material. There are reports, not yet verified, that it may have in production a second, secret plant producing weapons-grade plutonium.<sup>1</sup> The testing of a nuclear weapon by North Korea, and that moment may be fast approaching, could trigger a rapidly spiralling series of reactions by other countries. There may be less time than has until now been assumed to address and resolve these acutely difficult policy problems.

This report provides a brief history of the issue and examines a full range of alternative policy approaches: from allowing North Korea to become a declared nuclear weapons state through to what might provide the only complete guarantee that it will not, forcible regime change in Pyongyang. Every option has its drawbacks, especially military ones, not least because of the regional and global impacts of any conflict.

The United States will necessarily take the leading role in any resolution of the issue, but any policy to be effective must be coordinated with the key states around the region: no solution is possible in the absence of cooperation from South Korea, China,

Japan and Russia, taking the form of support for or at least acquiescence in the U.S.'s preferred policy approach. All agree that North Korea must forego its weapons program and all favour a negotiated solution, but they have been slow to act in concert to ensure this happens.

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<sup>1</sup> 'North Korea Hides New Nuclear Site, Evidence Suggests', David E. Sanger and Thom Shanker, *New York Times*, 20 July 2003.

## II. THE NORTH KOREAN REGIME

The Democratic People's Republic of Korea (DPRK, or North Korea) is the most secretive, xenophobic and militaristic country in the world. Because its actions are often shrouded in mystery (one former American diplomat has called the DPRK "the longest running intelligence failure in history"), much ambiguity surrounds Pyongyang's intentions and capabilities, including important details concerning its nuclear weapons program. Indeed, for outsiders, uncertainty may be its defining characteristic. The DPRK's official ideology is "Juche," which may best be translated as a "combination of national self-reliance and Korean nationalism."<sup>2</sup> To the few visitors allowed into the country, the DPRK seems like an Orwellian society that time forgot.

### A. THE "DEAR LEADER"

Kim Jong-il was born in 1942 in Khabarovsk, Siberia, the eldest son of Kim Il-sung, the DPRK's founder and long-time leader. Educated in Russia, Kim Jong-il avoided military service, instead entering the Korean Worker's Party (KWP). He reportedly was groomed at an early age to succeed his father, Kim Il-sung.<sup>3</sup> After his father's death in July 1994, Kim Jong-il became Chairman of the KWP and Chairman of the National Defence Commission. The "cult of Kim Jong-il" is relentlessly promoted throughout the country as a benevolent father figure, but the picture outsiders have is an enigmatic, ruthless, and powerful tyrant. At times, the international media has caricatured him as an irrational buffoon and sybarite with well-developed tastes for movie starlets, fast cars and comic books; at other times, it has described him as a sophisticated connoisseur of French wine and fine cognac and a fan of the internet.

More importantly, "Kim Jong-il is firmly in control," according to one close observer. "He is the ultimate decision-maker who controls the state security apparatus and occupies all key party, military and

government leadership positions...Kim's overriding goal is regime survival."<sup>4</sup>

### B. MILITARY POSTURE

The DPRK has adopted a "military first" policy that allows the military to take precedence in all aspects of Korean society, including the economy. Pyongyang has 1.1 million men and women under arms (compared to the South Korea's 700,000) and an estimated 4.7 million in reserve forces. Seventy percent of the DPRK's forces are forward-deployed just north of the demilitarized zone (DMZ), where their long-range artillery can easily reach major portions of Seoul, just 30 kilometres distant.<sup>5</sup>

The DPRK complements its conventional forces with weapons of mass destruction (WMD) and ballistic missiles. The United States believes that Pyongyang has pursued biological weapons since the 1960s and may have developed "infectious biological warfare agents and toxins."<sup>6</sup> The DPRK also has a "sizeable stockpile" of chemical agents and weapons, including "nerve, blister, choking and blood agents."<sup>7</sup>

The DPRK has developed ballistic missiles of various ranges.<sup>8</sup> It produces SCUD B and SCUD C short-range ballistic missiles (300 and 600 kilometres, respectively) and the No Dong medium-range ballistic missile (1,300 kilometres). These missiles are capable of striking targets in the Republic of Korea (ROK) and nearly all of Japan. In August 1998, Pyongyang launched a three-stage Taepo Dong I ballistic missile (2,000 kilometre

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<sup>4</sup> Testimony of General Leon J. LaPorte, Commander of US Forces Korea, before the Senate Armed Services Committee, 13 March 2003 (hereafter referred to as LaPorte testimony).

<sup>5</sup> LaPorte testimony. On the DPRK military, see IISS, *The Military Balance, 2002-2003* (London, 2003), pp. 153-154; Oh and Hassig, op. cit., pp. 105-126; and Helen-Louise Hunter, *Kim Il-sung's North Korea* (Westport, Ct., 1999), pp. 83-93.

<sup>6</sup> Office of the Secretary of Defense, *Proliferation: Threat and Response* (January 2001), p. 10.

<sup>7</sup> Ibid., p. 11.

<sup>8</sup> See Joseph S. Bermudez, *A History of Ballistic Missile Development in the DPRK*, Occasional Paper No. 2, Monterey Institute of International Center for Nonproliferation Studies, 1999; Andrew Feickert, *North Korean Ballistic Missile Threat to the United States*, CRS Report to Congress, 25 March 2003.

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<sup>2</sup> See Kongdan Oh and Ralph C. Hassig, *North Korea Through the Looking Glass* (Washington, D.C., 2000), p. 15.

<sup>3</sup> Ibid., pp. 21, 87.



range) over the Japanese island of Honshu. (The DPRK claimed this test was a satellite launch vehicle intended to place a communications satellite in orbit.) The DPRK is also developing but has yet to test a Taepo Dong II ballistic missile (5,000-6,000 kilometre range) that could reach the west coast of the United States.<sup>9</sup>

The DPRK has been a leading supplier of ballistic missiles and ballistic missile technology around the globe, including many regimes in the Middle East. These exports are one of the country's leading sources of hard currency, generating an estimated U.S.\$560 million from arms sales annually.<sup>10</sup> Iran, Pakistan and Yemen have been publicly identified as some of the purchasers of the DPRK's ballistic missile technology.<sup>11</sup>

The DPRK has a dedicated nuclear weapons program that it has been developing for decades. By the early 1990s, U.S. intelligence believed it more likely than not that Pyongyang had separated enough plutonium for one or possibly two nuclear bombs (see Section VIII.A.1. below).

### C. ECONOMIC PERFORMANCE

The DPRK's economic performance over the past decade has been dismal and its prospects remain uncertain. From 1992 to 1998, Pyongyang saw a decline in its gross national product, with per capita income shrinking from U.S.\$943 to U.S.\$573.<sup>12</sup> One expert on the North Korean economy has declared that it is, "in essence, broken."<sup>13</sup> Another close observer, Nicholas Eberstadt, has identified three of the country's economic problems: the high cost of the regime's total mobilisation for war; a rigid, centrally planned system that does not accept the concept of private property or market mechanisms; and, consistent with its *juche* ideology, its suspicion and mistrust of commercial

and scientific interaction with the outside world.<sup>14</sup> A brief attempt at modest market reforms in 2001-02 failed.

A critical strain on Kim Jong-il's regime has been its continuing inability to feed its people. During a famine in the mid-1990s, an estimated 1-2 million North Koreans perished, or roughly 5-10 per cent of the North's population. Pyongyang first officially appealed for international humanitarian assistance in 1995 and has received food aid ever since. The UN Food and Agricultural Organization, the World Food Program (WFP), and UNICEF have been among the leading donors. Since 1995, the United States has provided U.S.\$615 million in food assistance to the DPRK, primarily channelled through the WFP. The DPRK has not allowed international relief organisations to conduct a national nutritional survey, unrestricted access to all parts of the country, or monitor the distribution of food aid - all standard practices in other countries. Pyongyang's obstruction has caused a number of food donors, such as Medecins Sans Frontieres, Action Against Hunger and CARE, to withdraw their services.<sup>15</sup> The DPRK is facing another severe food shortage this year.<sup>16</sup>

### D. HUMAN RIGHTS

The DPRK is perhaps the leading violator of internationally accepted human rights, consistently ranking as one of the world's most repressive regimes with regard to both civil and political rights. According to Freedom House indicators, the DPRK has earned the lowest ratings possible since the organisation began in 1972.<sup>17</sup> "The regime denies North Koreans even the most basic rights, holds tens of thousands of political prisoners, and controls nearly all aspects of social, political and economic life," one Freedom House report reads. "Religious freedom is virtually nonexistent."<sup>18</sup> The

<sup>9</sup> Office of the Secretary of Defense, *Proliferation: Threat and Response*, pp. 11-12.

<sup>10</sup> U.S. military estimate reported in Jay Solomon and Jason Dean, "Drug Money: Heroin Busts Point To Source of Funds For North Koreans", *Wall Street Journal*, 23 April 2003; see also, "US considers blockade to put pressure on N Korea", *Financial Times*, 23 May 2003, p. 7.

<sup>11</sup> Office of the Secretary of Defense, *Proliferation: Threat and Response*, p. 13.

<sup>12</sup> Oh and Hassig, *op. cit.*, p. 42.

<sup>13</sup> Marcus Noland, *Avoiding the Apocalypse: The Future of the Two Koreas* (Washington, D.C., 2000), p. 82.

<sup>14</sup> See Nicholas Eberstadt, *The End of North Korea* (Washington, D.C., 1999), pp. 45-69.

<sup>15</sup> See Mark E. Manyin, *U.S. Assistance to North Korea*, CRS Report to Congress, 17 March 2003. The definitive treatment of this issue is Andrew S. Natsios, *The Great North Korean Famine: Famine, Politics and Foreign Policy* (Washington, D.C., 2001).

<sup>16</sup> ICG interview with Office for the Coordination of Humanitarian Affairs, United Nations, New York, 13 May 2003.

<sup>17</sup> <http://www.freedomhouse.org/research/freeworld/FHSCORES.xls>;

<sup>18</sup> <http://www.freedomhouse.org/research/mrr2003.pdf>.

private and public lives of North Korean citizens are constantly monitored by the Ministry of People's Security and the State Security Department. Amnesty International has termed the court system arbitrary and inhumane.<sup>19</sup> Those sentenced to jail or work camps are often beaten and tortured.<sup>20</sup> Anywhere from 10,000 to 300,000 North Koreans have fled the country and are living and hiding in China.<sup>21</sup> In April 2003, the UN Commission on Human Rights condemned the DPRK for human rights violations.

### III. KOREA'S NUCLEAR PROGRAM: EARLY HISTORY AND LEGAL FRAMEWORK

North Korea's interest in nuclear energy dates at least to the early 1950s, when the United States publicly threatened the use of nuclear weapons against it during the Korean War.<sup>22</sup> During the ensuing decades, the DPRK's nuclear program has received substantial technical assistance from the Soviet Union and is reported to have received assistance from other countries, including Japan, China and Pakistan.

#### A. SOVIET ASSISTANCE

The Soviet Union promoted the peaceful uses of nuclear energy in North Korea in the 1950s as part of its overall plan to promote "socialist economic integration in the Far East," raise its socialist ally's standard of living, and counter the U.S. Atoms for Peace initiative. In mid-decade, North Korean scientists were invited to perform theoretical work on nuclear issues at the United Institute of Nuclear Research at Dubna, outside Moscow. Over the years, DPRK scientists and technicians have also received training in China, Japan and East and West Germany.<sup>23</sup> A 1959 agreement between Moscow and Pyongyang laid the foundation for joint nuclear activities. After joint geological surveys, the Soviet Union helped the North build a nuclear complex along the Kuryong River at Yongbyon, 92 kilometres north of Pyongyang. Key facilities at this complex included a 2 MW(t) nuclear research reactor (later expanded to 8MW(t) - the thermal research reactor [IRT]) and a radiochemical laboratory (or reprocessing plant). Moscow provided the fuel assemblies for the reactor, which started up in 1965. During this

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<sup>19</sup> <http://web.amnesty.org/library/index/ENGASA240022003>.

<sup>20</sup> The DPRK's human rights abuses were the subject of a 2002 Congressional hearing. See House of Representatives, Committee on International Relations, "North: Korea: Humanitarian and Human Rights Concerns," 2 May 2002.

<sup>21</sup> The best treatment of this subject is Human Rights Watch, *The Invisible Exodus: North Koreans in the People's Republic of China*, Vol. 14, no. 8(C), November 2002.

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<sup>22</sup> See Roger Dingman, "Atomic Diplomacy During the Korean War," *International Security*, Vol. 13, no. 3 (Winter 1988-89), pp. 60-86.

<sup>23</sup> Valeriy I. Denisov, "Nuclear Institutions and Organizations in North Korea," in James Clay Moltz and Alexandre Y. Mansourov, eds., *The North Korean Nuclear Program: Security, Strategy and New Perspectives from Russia* (New York: Routledge, 2000), p. 21.

period of cooperation, the Soviet Union trained over 300 North Korean nuclear specialists.<sup>24</sup>

The Soviet Union expanded its cooperation with the DPRK on 26 December 1985, when the two sides signed an "Agreement on Economic and Technical Cooperation in the Construction of a Nuclear Power Plant in the Democratic People's Republic of Korea." The agreement called for Moscow to cooperatively build with Pyongyang four VVER-440 type nuclear power reactors in the North. Moscow also extended an open line of credit to enable Pyongyang to finance this construction and pledged to provide the fuel assemblies for the operational lifetimes of these reactors. The two sides completed work on the selection of the first reactor site, at Sinp'o on the north-eastern coast, when the project stopped because of the DPRK's failure to repay its outstanding loans. The DPRK claimed these debts had been incurred to the Soviet Union and so it was not obligated to repay them to the Russian Federation.<sup>25</sup>

In 1984 the DPRK began building two large, graphite-moderated, nuclear reactors. These reactors have not been completed. The first is a 50 MW(e) reactor at Yongbyon, and the second is a 200 MW(e) reactor at Taechon.<sup>26</sup> Around this time, the DPRK also constructed a 30 MW(t) natural uranium, graphite-moderated reactor at the Yongbyon site.<sup>27</sup> This reactor was completed by 1987.<sup>28</sup> This type of reactor takes advantage of the North's large graphite reserves and an estimated 26 million tons of uranium ore deposits.<sup>29</sup> These reactor types have low burn-up rates and can produce a high proportion of plutonium-239 in their

spent fuel.<sup>30</sup> Plutonium-239 can be chemically separated from spent fuel and used to make nuclear bombs. The DPRK's reprocessing plant at Yongbyon can chemically separate plutonium-239.

## B. THE NPT AND IAEA

As a condition of the December 1985 nuclear agreement between the Soviet Union and North Korea, Moscow required Pyongyang to accede to the Treaty on the Non-proliferation of Nuclear Weapons, or NPT.<sup>31</sup> Under Article III of the NPT, each state party agrees to accept safeguards on all of its nuclear activities as set forth in an agreement to be negotiated within eighteen months with the International Atomic Energy Agency (IAEA). However, North Korea did not sign a safeguards agreement until 30 January 1992, and the agreement did not enter into force until 10 April 1992. This agreement was the standard one used at the time, known as INFCIRC (Information Circular) 403.

The basic safeguards obligations were spelled out in the first three articles of INFCIRC/403. Under Article 1, the DPRK is required to accept safeguards "on all source or special fissionable material in all peaceful nuclear activities within its territory...for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices."<sup>32</sup>

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<sup>24</sup> See Georgiy Kaurov, "A Technical History of Soviet-North Korean Nuclear Relations," in James Clay Moltz and Alexandre Y. Mansourov, eds., op. cit., pp. 15-20. The estimated start-up cost of the Yongbyon nuclear complex was \$500 million in 1962 dollars.

<sup>25</sup> Ibid.

<sup>26</sup> Larry Niksch, "North Korea's nuclear weapons program", CRS Issue Brief for Congress, 9 June 2003.

<sup>27</sup> All nuclear reactors can be described in terms of either their electrical (e) or thermal (t) capacity. The Yongbyon reactor has variously been described as either a 5 MW(e) or 30 MW(t) reactor, sometimes giving rise to confusion. Since its main purpose has not been to generate electrical power, it will be referred to here as a 30 MW(t) reactor.

<sup>28</sup> Ibid.

<sup>29</sup> See Georgiy Kaurov, "A Technical History of Soviet-North Korean Nuclear Relations," in James Clay Moltz and Alexandre Y. Mansourov, eds., op. cit., pp. 15-20.

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<sup>30</sup> See Leonard S. Spector and Jacqueline R. Smith, "North Korea: The Next Nuclear Nightmare?" *Arms Control Today*, Vol. 21, no. 2 (March 1991), pp. 8-13; Joseph S. Bermudez, "North Korea's Nuclear Program," *Jane's Intelligence Review* (September 1991), pp. 404-411.

<sup>31</sup> The DPRK acceded to the NPT on 12 December 1985. See Michael R. Gordon, "North Korea Joins Pact to Prevent the Spread of Nuclear Weapons," *New York Times*, 27 December 1985. According to one DPRK official, North Korea thought that its signing the NPT would lead to the withdrawal of U.S. nuclear weapons from South Korea. See Li Yong Ho, "The Nuclear Problem in Korea and Its Prospects," paper presented at the Conference on the Prevention of Nuclear Proliferation Risks, Stockholm, 19-21 November 1992. The text of the NPT can be found at U.S. Arms Control and Disarmament Agency, *Arms Control and Disarmament Agreements: Texts and Histories of the Negotiations* (Washington, D.C., 1990), pp. 98-102.

<sup>32</sup> "Source material" is either the element thorium or uranium, provided that the uranium has not been enriched in the isotope-235; source material cannot sustain a nuclear chain reaction. "Special fissionable material" is material,

Article 2 contains identical language authorising the IAEA to apply safeguards on all source or special fissionable material in all peaceful nuclear activities within the DPRK. And Article 3 stipulates that the DPRK and IAEA “shall cooperate to facilitate the implementation of the safeguards.”

The DPRK’s commitments under the NPT were broader than those it adopted under its IAEA safeguards agreement. As a non-nuclear weapons state party to the treaty, the DPRK agreed not to acquire or manufacture nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

### C. THE 1991 DENUCLEARISATION DECLARATION

On 31 December 1991, the ROK and DPRK reached agreement on a Joint Declaration on a Non-Nuclear Korean Peninsula. Under this “Denuclearisation Declaration,” the two sides agreed “not to test, manufacture, produce, introduce, possess, store, deploy, or use nuclear weapons” and that they would “not possess facilities for nuclear reprocessing and uranium enrichment.”<sup>33</sup> These pledges far exceeded the requirements of the NPT and IAEA. To implement this agreement, in March 1992 the two sides created a Joint Nuclear Control Commission (JNCC), whose charge was to establish a joint inspection regime to verify the denuclearisation of the Korean peninsula.

e.g., uranium-235 and plutonium-239, whose nuclei can be induced to fission by a neutron.

<sup>33</sup> The full text of this agreement can be found in National Unification Board, *Intra-Korean Agreements* (Seoul: National Unification Board, 1992), pp. 49-50. It was formally signed on 20 January 1992 and entered into force on 19 February 1992.

## IV. THE FIRST BUSH ADMINISTRATION (1989-1993)

In the late 1980s, the United States, following the lead of then ROK President Roh Tae-woo, explored the possibility of improving relations with the DPRK. Despite some encouraging first steps, by early 1989 Washington grew increasingly worried about the DPRK’s nuclear program. At that time, Pyongyang shut down its 30MW reactor and removed some of the spent fuel rods that could be reprocessed to obtain plutonium for bombs. A U.S. National Intelligence Estimate concluded in 1989 that the North was trying to develop nuclear weapons.<sup>34</sup> During the next two years, the United States watched the DPRK expand the Yongbyon nuclear complex to more than 100 buildings and remove two more batches of spent fuel.<sup>35</sup>

In response, the Bush Administration persuaded Seoul to demand in its JNCC discussions with Pyongyang an intrusive North-South inspection regime, with short-notice “challenge” inspections. Washington preferred this approach to IAEA inspections, which were thought to have been substantially discredited by disclosures of Iraq’s secret nuclear weapons effort in the wake of the Persian Gulf War.<sup>36</sup>

At this time, the Bush Administration decided to grant the DPRK one high-level meeting, which took place in New York in January 1992. At this meeting, the United States outlined preconditions to normalising relations between Washington and Pyongyang. Steps included the DPRK’s accepting both the bilateral and IAEA inspection regimes, ending all ballistic missile exports and placing its chemical and biological weapons programs under international control.

<sup>34</sup> Don Oberdorfer, “North Koreans Pursue Nuclear Arms”, *Washington Post*, 29 July 1989.

<sup>35</sup> Albert Wohlstetter and Gregory S. Jones, “‘Breakthrough’ in North Korea?”, *Wall Street Journal*, 4 November 1994.

<sup>36</sup> As an international organization, the IAEA is a creature of its member states. These member states, and thus the IAEA, assumed that Iraq would use a high technology route to nuclear weapons acquisition and not pursue an antiquated, low technology route – calutrons (which electromagnetically separate isotopes to obtain U-235) – that the United States had developed and rejected in the 1940s.

Within months of the January meeting, the DPRK agreed to allow bilateral North-South inspections, signed a safeguards agreement with the IAEA and provided it with an “initial declaration” of its nuclear materials and facilities. In accordance with standard procedure, the IAEA sent inspectors to the North to confirm that this declaration was correct and complete. But discrepancies emerged later in 1992 as the IAEA conducted further inspections and discovered evidence that the DPRK had falsified its initial declaration; in particular, it had tried to hide two nuclear waste sites and had separated weapons-grade plutonium on more occasions than it had stated.<sup>37</sup> When confronted by the IAEA, the DPRK consistently refused to clarify or amend its initial declaration or grant inspectors access to the two waste sites. (By this time, the DPRK also refused to accept a bilateral inspection regime.) In February 1993, a frustrated IAEA referred the matter to its Board of Governors.

## V. THE CLINTON ADMINISTRATION (1993-2001)

The Clinton Administration entered office in January 1993 almost wholly unprepared for dealing with North Korea. President Clinton had been elected on a platform emphasising the domestic economy, but he inherited a diplomatic strategy that was going nowhere fast. The preferred course, a tough bilateral inspection regime, had failed. The second choice, the IAEA, had succeeded in uncovering evidence of DPRK cheating, but was unable to force Pyongyang to come clean about its nuclear activities.

### A. THE 1993-94 CRISIS

In February 1993, the IAEA’s Board of Governors passed a resolution requesting the DPRK to permit the “full and prompt implementation” of its safeguards agreement “without delay.” The North immediately rejected the request and two weeks later gave the requisite 90-days notice that it was withdrawing from the NPT, something no country had ever done. In response, the United States decided to hold direct high-level talks with North Korea to prevent it from doing so. The two sides first met in June, where the United States won the DPRK’s agreement to remain an NPT party.

Thus began an on-again, off-again process of tense negotiations over the next sixteen months.<sup>38</sup> The United States tried to balance its support for non-proliferation principles generally and the IAEA inspections regime specifically, its sensitivity to the priorities of its South Korean ally, and its desire that Pyongyang not increase its nuclear weapons capabilities by separating additional plutonium. For its part, the DPRK refused to allow comprehensive IAEA inspections or to surrender the additional

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<sup>37</sup> See David Albright, “Inconsistencies in North Korea’s Declaration,” in David Albright and Kevin O’Neill, (eds), *Solving the North Korean Nuclear Puzzle* (Washington, D.C.: ISIS, 2000), pp. 83-98.

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<sup>38</sup> The history of the Clinton Administration’s diplomacy towards the DPRK is discussed in detail in Michael J. Mazarr, *North Korea and the Bomb: A Case Study in Nonproliferation* (New York, 1995); Mitchell B. Reiss, *Bridled Ambition: Why Countries Constrain Their Nuclear Capabilities* (Washington, D.C., 1995), pp. 231-319; and Leon V. Sigal, *Disarming Strangers: Nuclear Diplomacy with North Korea* (Princeton, N.J., 1998). An insider’s examination of this period is Joel J. Wit, Daniel Poneman and Robert L. Gallucci, *Going Critical: The First North Korean Nuclear Crisis* (Washington, D.C., forthcoming).

plutonium it had separated (enough for one or possibly two bombs, according to U.S. analysts). Tensions reached the boiling point in May 1994, when Pyongyang decided to pull the fuel rods from its 30MW reactor. This fuel contained enough plutonium for an estimated five or six nuclear weapons. As both sides prepared for a possible war, former President Jimmy Carter visited Pyongyang and brokered the makings of a deal with Kim Il-sung that defused the immediate crisis by freezing activities at Yongbyon and allowing negotiations between the United States and the DPRK to resume. Within four months, the two sides reached agreement.

## B. THE AGREED FRAMEWORK

On October 21, 1994, the United States and the DPRK signed the "Agreed Framework" nuclear deal. Its provisions include a number of linked pledges by each party. As the negotiating history makes clear, the two parties viewed this document not only as a means to satisfy the nuclear problem, but also as a way to remake their entire relationship.<sup>39</sup>

The Agreed Framework (full text at Appendix B) is a set of political commitments, not a legally binding document or a treaty. Not surprisingly, the nuclear provisions of the deal were the most detailed and complicated, envisioning a series of reciprocal steps that, when fully implemented, would lead to a completely denuclearised DPRK.

First, Washington agreed to organize an international consortium to build two 1,000 MW(e) nuclear power plants by a "target date of 2003" and supply annually 500,000 tons of heavy fuel oil until the completion of the first power plant. (This consortium later assumed shape as the Korean Peninsula Energy Development Organization, or KEDO.)<sup>40</sup> In return, Pyongyang agreed to continue to freeze activity at its "graphite-moderated reactors and related facilities." U.S. officials explained at the time that the "graphite-moderated reactors and related facilities" included the 30 MW(t), 50 MW(e) and 200 MW(e) reactors, and the

reprocessing plant at Yongbyon.<sup>41</sup> The DPRK further agreed to allow the IAEA to monitor this freeze and to inspect its nuclear waste site to determine if it had fissile material. This was to happen before critical components of the nuclear reactors were to be installed. After the two KEDO-supplied nuclear power plants were completed, the DPRK would dismantle its reactors and facilities.

The two sides also agreed to "move toward full normalization of political and economic relations." This meant they would move to end enmity and that Washington would reduce barriers to trade and investment that had been imposed on the DPRK since the end of the Korean War. The two sides agreed to open liaison offices in the other's capital; over time, these offices would be upgraded to ambassadorial level when the countries established full diplomatic relations.

Further, Washington pledged to provide formal assurances that it would not use or threaten to use nuclear weapons against the DPRK. Pyongyang promised to implement the Joint Denuclearisation Declaration and engage in dialogue with South Korea.

The DPRK agreed to remain a party to the NPT, to allow implementation of its safeguards agreement under the NPT, and not to construct any new graphite-moderated reactors or related facilities.

The DPRK also agreed to allow implementation of its IAEA safeguards agreement, subject to certain conditions. Upon conclusion of a supply agreement outlining the details of the nuclear reactor project between the international consortium and the DPRK,<sup>42</sup> the DPRK would allow "ad hoc and routine inspections"<sup>43</sup> with respect to "the facilities

<sup>39</sup> See Wit, et al., *ibid.*

<sup>40</sup> The United States, ROK and Japan founded KEDO in March 1995 and serve on its decision-making Executive Board. The European Union, through its European Atomic Energy Community, joined KEDO as an Executive Board member on 17 September 1997.

<sup>41</sup> The Agreed Framework had a companion document, called the "Confidential Minute," that defined many of the terms in the Agreed Framework. The DPRK requested that the Confidential Minute not be made public and the U.S. side agreed.

<sup>42</sup> A supply agreement between KEDO and the DPRK was signed on 15 December 1995.

<sup>43</sup> The IAEA conducts "ad hoc" inspections to confirm that a country's initial declaration of its nuclear activities and nuclear materials is accurate and complete; in other words, this is a comprehensive nuclear audit covering any declared facility where there is nuclear material. Once the IAEA has verified that a country's nuclear activities conform to the initial declaration, the IAEA conducts "routine" inspections, which are typically restricted to strategic

not subject to the freeze.” Facilities not subject to the freeze meant all of the other nuclear facilities and activities the DPRK listed in its initial declaration to the IAEA and which formed the basis for its 1992 safeguards agreement.

### C. THE PERRY REPORT AND AFTERMATH

In November 1994, the Republican Party captured the House of Representatives, and with it both chambers of the U.S. Congress for the first time in 40 years. One plank of the Republican Party’s “Contract with America” campaign platform in the House was criticism of the Clinton Administration’s handling of foreign policy, with North Korea singled out for special concern. After reports emerged of an alleged secret DPRK nuclear weapons site at Kumchang-ni (where nothing was found after on-site inspection), and Pyongyang’s launch of a three-stage Taepo Dong I ballistic missile in August 1998, Congress passed legislation requiring the Clinton Administration to appoint a “North Korea Policy Coordinator” to conduct “a full and complete interagency review of United States policy towards North Korea” and “provide policy direction for negotiations with North Korea related to nuclear weapons, ballistic missiles, and other security related issues.”<sup>44</sup> Former Secretary of Defence William J. Perry was selected for the role.

A year later, after close consultations with Congress and American allies in East Asia, Perry presented his recommendations. His report emphasised that “the urgent focus of U.S. policy toward the DPRK must be to end its nuclear weapons and long-range missile-related activities.” It recommended a two-path strategy. The first path would involve the “complete cessation” of the DPRK’s nuclear weapons and long-range ballistic missile programs in conjunction with Washington’s “move to reduce pressures on the DPRK that it perceives as threatening.” As the DPRK moved to eliminate these programs, the United States would “normalize relations with the DPRK, relax

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points as specified in a subsidiary arrangement. A third type of procedure, termed a “special” inspection, can be invoked to grant the IAEA access to sites not identified in a state’s initial declaration, i.e., a nuclear hunting license. The IAEA has used this extraordinary authority rarely.

<sup>44</sup> See H.R. 4328, the Fiscal Year 1999 Omnibus Appropriations Act (PL 105-277), Section 582(e), 19 October 1998.

sanctions...and take other positive steps”; the ROK and Japan would also improve their relations with the DPRK. Should the DPRK not accept this first path, the Perry report briefly mentioned that a second path would have the United States, in coordination with its allies, “contain” the threat.<sup>45</sup>

In response to Perry’s visit to Pyongyang in May 1999 and the report’s recommendations, the Clinton Administration invited the DPRK’s Vice Marshal, General Cho Myong-nok, to Washington in September 2000. This meeting resulted in a joint U.S.-DPRK statement in which each party declared it had no “hostile intent” towards the other. A second result was an invitation to Secretary of State Madeleine Albright to visit Pyongyang, a trip she took a few weeks later. At these and subsequent meetings, the two sides undertook discussions to eliminate the DPRK’s long-range ballistic missile program, including exports. The DPRK wanted President Clinton to come to Pyongyang to sign the deal before his term of office ended in January 2001; U.S. officials were reluctant to send the President without all the details of a missile deal already agreed. In the end, the trip never took place.<sup>46</sup>

### D. AGREED FRAMEWORK IMPLEMENTATION: A REPORT CARD

During the past year, both the United States and the DPRK have publicly engaged in mutual recriminations and finger pointing over the demise of the Agreed Framework. Each party blames the other for a failure to live up to its pledges. Both parties are correct.

#### 1. The United States and KEDO

**Light Water Reactors.** With respect to construction of the light-water reactors under the

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<sup>45</sup> The unclassified version of the Perry report can be found in David Albright and Kevin O’Neill, eds., *op. cit.*, pp. 299-313. It is assumed that the classified version of the report was more explicit on the second path.

<sup>46</sup> See Leon V. Sigal, “North Korea: On Hold...Again,” *Bulletin of the Atomic Scientists*, Vol. 57, no. 3 (May/June 2001), pp. 33-39. Clinton wanted to go, and most of his advisors wanted the trip. The decision not to go was made days before the 2000 Presidential election, and efforts to make the trip were continued well into the transition period before the inauguration of George W. Bush.

Agreed Framework, the United States, acting through its membership in KEDO, provided a measure of compliance.

- But there were severe problems, principally non-political ones, with the implementation. Despite much progress on the Sinp'o nuclear project, the 2003 date for completion of the two light-water reactors drifted substantially off target. The causes of this delay are many, but a short list would include KEDO's difficulty in obtaining funding, the enormous challenge of constructing anything, much less two nuclear power plants, in the DPRK, and the project's being held hostage to the larger political dynamics in Northeast Asia. By May 2003, KEDO's delivery schedule called for completion of the first light-water reactor by December 2008 and the second by December 2009.<sup>47</sup>

**Heavy Fuel Oil.** KEDO honoured its pledge to deliver annually 500,000 tons of heavy fuel oil (HFO) to the DPRK. The United States paid for most of the fuel, with contributions from Japan, Australia and the European Union.

- But deliveries were chronically behind schedule until KEDO's November 2002 decision to suspend future HFO shipments.<sup>48</sup> The shipments fell behind schedule for a number of reasons including problems faced by KEDO in getting money and credit and difficulties in North Korea in absorbing the oil. Other problems such as the 1996 North Korean submarine incursion also led to delays.

**Normalising Economic Relations.** The United States moved to lift economic and trade sanctions on the DPRK, taking a small step in January 1995 and pledging an end to sanctions under the Trading with the Enemy Act in September 1999 in exchange for a DPRK moratorium on ballistic missile tests, a pledge it carried out the following June.<sup>49</sup>

- But the U.S. moved very slowly, and the steps taken fell short of implementing normal economic relations. The political mood in the United States changed after the 1994 elections with Congress openly hostile to the Clinton foreign policy agenda. There was little interest in North Korea and no senior figure in the administration who pushed for a faster development. There was also a belief at this time that North Korea's economic problems were so serious that it might collapse.

### **Formal Security Guarantees.**

- The United States did not provide formal assurances to the DPRK that it would not use or threaten to use nuclear weapons against it.<sup>50</sup>

### **Normalising Political Relations.**

- Neither the U.S. nor North Korea opened liaison offices in the other's capital, although the U.S. had selected its diplomatic representative and made arrangements for secure space in Pyongyang, and attributes the breakdown on this front squarely to the DPRK.<sup>51</sup>

## **2. The DPRK**

**Freezing Nuclear Activity.** On the positive side of the ledger:

- From October 1994 until late 2002, the DPRK froze activity at its graphite-

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from the DPRK. In September 1999, President Clinton announced that the United States would ease economic restrictions on trade with and travel to the DPRK. See David E. Sanger, "Trade Sanctions on North Korea are Eased by U.S.," *New York Times*, 18 September 1999; Larry A. Nicksch, *North Korea's Nuclear Weapons Program*, CRS Issue Brief, 1 May 2003; and more generally, Dianne E. Rennack, "North Korea: Economic Sanctions," *CRS Report for Congress*, 24 January 2003.

<sup>50</sup> The United States had, however, withdrawn its nuclear weapons from South Korea during the first Bush Administration.

<sup>51</sup> ICG interview with State Department official, 21 May 2003. This official speculated that the DPRK's reluctance was due to the expense of a Washington diplomatic post and satisfaction with using the DPRK's Mission to the United Nations for official contacts with the U.S. Government.

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<sup>47</sup> ICG interview with senior KEDO official, 12 May 2003.

<sup>48</sup> ICG interview with former senior KEDO official, May and June 2003.

<sup>49</sup> In early 1995, the United States modified the Treasury Department's Foreign Assets Control Regulations to permit travel-related transactions, greater telecommunications and banking exchanges, and the importation of magnesite ore



moderated reactors and related facilities. It had not refuelled or operated its 30 MW(t) reactor and it had sealed the reprocessing plant and ceased reprocessing activities there.

- There was no new construction at its 50 MW(e) and 200 MW(e) reactors. During this period, the IAEA was permitted to monitor this freeze.<sup>52</sup> Without this freeze, it has been estimated that the DPRK could have restarted its nuclear program and produced enough plutonium for approximately 150-200 nuclear weapons by now.<sup>53</sup>
- The DPRK apparently did not construct any new graphite-moderated reactors or related facilities. The DPRK remained a party to the IAEA and the NPT until the latest crisis, when it expelled the inspectors and withdrew from the treaty.<sup>54</sup>

But there were some clear violations:

- The DPRK refused to allow the IAEA to perform ad hoc and routine inspections at all facilities *not* subject to the freeze that were listed on its initial declaration. For example, the DPRK repeatedly prevented the IAEA from inspecting the Isotope Production Laboratory at the Yongbyon nuclear complex and the plutonium in the spent fuel stored in canisters at the 30 MW(t) reactor.<sup>55</sup> These

actions violated the express provisions of the Agreed Framework that commit the DPRK to “allow implementation of its safeguards agreement” and adhere to its NPT commitments.

- The DPRK’s secret uranium enrichment program, which reportedly began in 1997 or 1998 and was publicly revealed in October 2002, was another, separate and exceptionally serious violation of the DPRK’s IAEA and NPT obligations.

#### Other Pledges.

- The DPRK never implemented the Denuclearisation Declaration (before declaring it a “dead document” in May 2003).<sup>56</sup>
- The DPRK only haltingly and begrudgingly engaged in North-South dialogue, and failed to fulfil its commitment to a visit to Seoul by Kim Jong-il in return for Kim Dae-jung’s “breakthrough” visit to Pyongyang in 2000.<sup>57</sup>
- As already noted, liaison offices in the other’s capital were opened by neither the DPRK nor the U.S.

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<sup>52</sup> On 4 November 1994, the UN Security Council declared that the IAEA had authority to monitor the DPRK’s freeze under the verification provisions of its existing safeguards agreement with the DPRK. See “Statement by the President of the Security Council,” S/PRST/1994/64.

<sup>53</sup> Phillip C. Saunders, “Confronting Ambiguity: How to Handle North Korea’s Nuclear Program,” March 2003, [http://www.armscontrol.org/act/2003\\_03/Saunders\\_mar03.asp](http://www.armscontrol.org/act/2003_03/Saunders_mar03.asp); in earlier Congressional testimony, U.S. officials stated that without the Agreed Framework, the DPRK could produce “dozens” of nuclear weapons annually. See testimony of Ambassador-at-Large Robert L. Gallucci, “The U.S.-DPRK Agreed Framework,” House of Representatives, International Relations Committee, 23 February 1995, at <http://dosfan.lib.uic.edu/ERC/bureaus/eap/950223GallucciUSDPRK.html>.

<sup>54</sup> On 10 January 2003, the DPRK announced its “automatic and immediate effectuation” of its NPT withdrawal and “complete free[dom] from the restrictions of the safeguards agreement with the IAEA.” Korean Central Broadcasting Station, Pyongyang, 10 January 2003.

<sup>55</sup> See, for example, “Implementation of the Agreement between the Agency and the Democratic People’s Republic

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of Korea for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons,” GC(45)/26, 6 August 2001. An isotope production laboratory can produce weapons-usable plutonium.

<sup>56</sup> “The Bush Administration has systematically and completely torpedoed the process of denuclearization on the Korean peninsula.” Korean Central News Agency (KCNA), “US to blame for derailing process of denuclearization on Korean Peninsula,” 13 May 2003.

<sup>57</sup> The Kim Dae-jung visit was later revealed to have been the result of payments to Kim Jong-il, financed by the Hyundai Group.

## **VI. THE CURRENT BUSH ADMINISTRATION (2001-)**

Although the Agreed Framework had fallen well short of its full potential, it had frozen the North's plutonium-production program, a not insignificant accomplishment. Building on the promise of the Perry report, the Clinton Administration believed it had forged a new diplomatic opening with the DPRK for the incoming Bush Administration to exploit. But President Bush and his foreign policy team had very different ideas.

### **A. THE NORTH KOREA POLICY REVIEW**

The Bush foreign policy team had expressed scepticism about the Clinton Administration's approach to North Korea during the presidential campaign and, upon assuming office, ordered a complete policy review. In March 2001, while the review was underway, ROK President Kim Dae-jung visited Washington with the intention of persuading the newly installed Bush Administration to continue the policy of the Clinton Administration and to win endorsement of his "Sunshine Policy" of engaging the North.<sup>58</sup> Secretary of State Powell said after meeting President Kim that "in due course, when our review is finished, we'll determine at what pace and when we engage with the North Koreans".<sup>59</sup> For his part, President Bush said that while he had been forthright in supporting Kim's vision, he had also been forthright in expressing his "skepticism about whether or not we can verify an agreement in a country that doesn't enjoy the freedoms that our two countries understand":<sup>60</sup> this was construed by the media as the President saying he would "not trust" North Korea.<sup>61</sup>

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<sup>58</sup> Described below in Section VII.A.

<sup>59</sup> See transcript of Remarks made by Secretary of State Colin Powell to the Pool, Office of the Press Secretary, 7 March 2001, at <http://usinfo.org/wf/2001/010307/epf303.htm>.

<sup>60</sup> See White House transcript of Remarks made by President Bush and President Kim Dae-jung of South Korea, Office of the Press Secretary, 7 March 2001, at <http://usinfo.org/wf/2001/010307/epf302.htm>.

<sup>61</sup> This was interpreted by the media as Bush saying he could not "trust" NK - see BBC News, "Bush rules out North Korea Talks", 8 March 2003, at <http://news.bbc.co.uk/2/hi/asia-pacific/1207864.stm>.

During the next few months, the Bush Administration's policy review considered completely withdrawing from the Agreed Framework, but concluded by coming down in favour of "improved implementation of the Agreed Framework relating to North Korea's nuclear activities; verifiable constraints on North Korea's missile programs and a ban on its missile exports; and a less threatening conventional military posture".<sup>62</sup> In the same White House statement issued on 6 June 2001, President Bush stated that if the DPRK was receptive to these American objectives, then the United States would "expand our efforts to help the North Korean people, ease sanctions and take other political steps." Secretary of State Colin Powell subsequently declared a willingness to meet with the DPRK "anytime, anyplace, anywhere, with no preconditions."<sup>63</sup>

### **B. THE OCTOBER 2002 MEETING AND ITS AFTERMATH**

The United States and the DPRK had intermittent diplomatic contacts between June 2001 and October 2002, but no substantive meetings. In the intervening months, in his State of the Union speech President Bush labelled the DPRK part of the "axis of evil," the 2001 Nuclear Posture Review developed contingency plans for using nuclear weapons on the Korean peninsula and the National Security Strategy emphasised the possibility of pre-emptive military strikes against countries with WMD.

In October 2002 Assistant Secretary of State for Asia and the Pacific, James Kelly, visited Pyongyang to explain the Bush Administration's policy. At this meeting, Kelly stated that the United States had obtained information that, starting in the late 1990s, the DPRK covertly acquired uranium enrichment technology for nuclear weapons. The DPRK, in a Ministry of Foreign Affairs statement issued after the meeting, did not deny having this secret program, but justified its actions as a response to hostile Bush Administration policies

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<sup>62</sup> Statement by the President, 6 June 2001, at <http://www.whitehouse.gov/news/releases/2001/06/20010611-4.html>.

<sup>63</sup> Secretary of State Colin Powell, Statement on President Bush's Budget Request for the State Department for 2003, 12 February 2002, at <http://www.state.gov/secretary/rm/2002/7957.htm>.

even though it had begun its clandestine program before Bush took office. "The DPRK was entitled not only to nuclear weapons," it claimed, "but any type of weapon more powerful than that so as to defend its sovereignty and right to existence from the ever-growing nuclear threat by the U.S."<sup>64</sup>

Events began spiralling downward immediately after the October meeting. The following month, the United States, Japan, and South Korea voted that KEDO suspend further HFO shipments to DPRK. In December, Pyongyang declared the Agreed Framework dead and announced it would restart operation of its frozen nuclear facilities and construction on its 50 MW(e) and 200 MW(e) reactors. That same month, the DPRK asked the IAEA to remove all seals and cameras from inspected facilities. On 27 December 2002, it declared its intention to expel the IAEA inspectors. On 10 January 2003, the DPRK announced its withdrawal from the NPT and stated that it was no longer bound by its IAEA safeguards agreement. Within months, a decade of diplomacy had unravelled.

### C. SUBSEQUENT DEVELOPMENTS

With its attention focused primarily on a pending war in Iraq, the United States responded to these developments with ambivalence towards either a negotiated solution or the use of military force. In January 2003 President Bush said that if North Korea agreed not to continue developing nuclear weapons, he would consider restarting a "bold initiative", involving U.S. energy and food assistance, that he had asked Secretary of State Powell to pursue but which been put on hold after the October 2002 meeting.<sup>65</sup> This terminology was repeated in March 2003, when shortly before a meeting between South Korea's Foreign Minister, Yoon Young-kwan, and Secretary Powell, Yoon suggested that "sometimes it is better to take a bold

initiative to North Korea",<sup>66</sup> and Powell responded after the meeting:

You will recall when we started our dialogue with North Korea last year, before the nuclear issue broke out, we were considering a bold initiative, something that would move our relationship to a different plane, and to help them with economic problems and starvation. Those kinds of ideas and options are on the table once we deal with nuclear proliferation, proliferation of weapons and other activities.<sup>67</sup>

The two sides met again in Beijing in mid-April, although U.S. officials described the meeting as talks and not negotiations. At this meeting, the DPRK reportedly claimed that it already possessed two bombs and was reprocessing additional spent fuel, that it would provide a "physical demonstration" of its nuclear capabilities (a reference to a possible nuclear weapons test) and that it would export nuclear weapons.<sup>68</sup> The DPRK also proposed a peaceful resolution of the nuclear issue that included reviving elements of the Agreed Framework and other U.S. concessions before the dismantlement of the North's nuclear program.<sup>69</sup> The United States repeated its demand that the DPRK first dismantle its nuclear weapons program before it would discuss other measures.

In May 2003 President Bush demanded the "complete, irreversible and verifiable" dismantlement of the North's nuclear weapons program before the United States would entertain

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<sup>64</sup> See Jonathan Pollack, "The United States, North Korea, and the End of the Agreed Framework," *Naval War College Review*, Vol. LVI, No. 3 (Summer 2003), pp. 35-38.

<sup>65</sup> See David E. Sanger, "Bush softens stand on North Korea" *New York Times*, January 15, 2003 <http://www.ihf.com/cgi-bin/generic.cgi?template=articleprint.tmplh&ArticleId=83345>.

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<sup>66</sup> Jonathon Wright, "S. Korea suggests US take bold initiative", Reuters, March 28, 2003.

[http://www.floydreport.com/view\\_article.php?lid=65](http://www.floydreport.com/view_article.php?lid=65).

<sup>67</sup> See transcript of Colin Powell's remarks on 28 March, as released by the State Department at

<http://www.useu.be/Categories/GlobalAffairs/Mar2803PowellKoreas.html>.

<sup>68</sup> David E. Sanger, "North Korea Says It Now Possesses Nuclear Arsenal," *New York Times*, 25 April 2003.

<sup>69</sup> At this meeting, the DPRK side demanded the United States provide four "baskets" of benefits: (1) security assurances, (2) a pledge not to seek regime change, (3) economic assistance and (4) energy assistance. ICG interview with State Department official, Washington, 18 June 2003.

Pyongyang's concerns; no specific U.S. steps were mentioned.<sup>70</sup>

As this report is published, intense efforts are being made by U.S. officials, working with their counterparts in the U.S., China, South Korea and Japan, to secure North Korea's agreement for a new round of multilateral talks - with the latest proposed format being a second trilateral U.S.-China-DPRK meeting, to be subsequently expanded to include Japan, South Korea and possibly Russia. The timetable for any such resumed talks appears to be slipping towards September 2003.

## VII. REGIONAL POSITIONS

Any effective U.S. policy must be coordinated with the key states around North Korea to the maximum possible extent. There is agreement among China, South Korea, Japan and Russia that it is unacceptable for North Korea to become a nuclear power. There is also agreement that the North must move forward with substantial economic reforms if it is to survive in the long term. All agree that the United States must negotiate intensively with North Korea to reach a peaceful agreement.

However these four countries have major policy differences with the United States, not just in the immediate approach to the nuclear issue, but in some cases in the end result that they would like to see. Some in the Bush Administration have suggested that regime change is the only option that can secure a nuclear-free North Korea and that Kim Jong-il cannot be trusted to keep any agreement on nuclear weapons, no matter how intrusive the verification regime. But China, Russia, South Korea and Japan are all anxious about what regime change would mean for their own security. They fear that the collapse or overthrow of the North Korean government would leave them with enormous economic and security burdens. They would all prefer to see a reforming North Korea gradually integrated into the global political and economic system. All want to see it to give up its nuclear weapons program, but there is no present appetite in Beijing, Moscow or Seoul for sanctions, a blockade or the use of force. Tokyo's position on sanctions is a little firmer – they have already taken some action against North Korean ships alleged to be used in smuggling and shipment of missile parts.

North Korea has seen some breakthroughs in its relations with its four neighbours in recent years but the nuclear issue has caused setbacks with all of them. South Korea has moderated implementation of its Sunshine Policy, and Japan has warned that it might tear up the Pyongyang Declaration signed by Kim Jong-il and Prime Minister Junichiro Koizumi that laid out a way forward towards normalisation of relations. China has become increasingly and openly irritated with its ally. Russia has remained somewhat above the fray, although it too has insisted that North Korea must give up its nuclear ambitions.

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<sup>70</sup> Joint Press Availability with President Bush and Prime Minister Koizumi, Crawford, Texas, 23 May 2003, at <http://www.whitehouse.gov/news/releases/2003/05/print/20030523-4.html>.

While the United States could launch a limited strike against North Korean facilities without the consent of any of these countries, such a move would severely damage security alliances with Japan and South Korea and delicate relationships with China and Russia. Any full-scale military operation would require the support of South Korea and probably Japan.

Although there is agreement among the countries on the need for North Korea to end its weapons program, for all sides to join in talks and on the importance of avoiding conflict, their differences in approach and long-term perspective need to be well understood.

## A. SOUTH KOREA

Keeping South Korea in step with U.S. policy is going to be a key challenge for Washington. The “Sunshine Policy”<sup>71</sup> of engagement with the North launched under President Kim Dae-jung remains popular despite the failure of North Korea to follow through on its commitments on family reunions and a visit by Kim Jong-il to the South. There are immense fears in the South of any U.S. military action. Seoul would likely be devastated in any conflict and all out war could erase the immense economic achievements of the past 50 years. There has long been a current of anti-American feeling in South Korea but opposition to the U.S. military presence was significantly increased by the

acquittal in November 2002 of two US soldiers who killed two Korean girls in a traffic accident.<sup>72</sup> The redeployment of some U.S. forces away from the Demilitarised Zone and out of their camps in the centre of Seoul to locations further south is being planned, and has generated mixed reactions.<sup>73</sup>

Many South Koreans feel that the Bush Administration has been unnecessarily bellicose in its rhetoric and has pushed the North into a corner. They are more concerned about the impact a prolonged crisis might have on the South Korean economy than they are with the threat of a nuclear armed North Korea. It is a common view in the South that the North would never use the weapons on fellow Koreans and that they would be wary of using such weapons so close to their own territory.

However there is no unanimity in South Korea on the issue of how best to deal with the North. Opinion essentially falls into three camps: those who believe the North should be left to collapse and the South should maintain a tough defensive

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<sup>71</sup> The Sunshine Policy was a reversal of several longstanding South Korean positions. Essentially it promised no efforts by the ROK to undermine the regime in Pyongyang or absorb the North, active efforts by ROK to improve relations with the DPRK, the separation of economic issues from political and the promise of peaceful co-existence rather than a rapid push towards unification. Officially known as the “Policy of Reconciliation and Cooperation toward North Korea”, the Sunshine Policy was announced by Kim Dae-jung when campaigning for the Presidency of South Korea in 1997. See further Chung-in Moon and David I Steinberg (eds), *Kim Dae-jung Government and Sunshine Policy*, (Seoul., 1999); speech by H.E. Yang Sung-chul, Korean Ambassador to the U.S., “South Korea’s Sunshine Policy”, December 4, 2000, Asia Society, Washington, D.C. at <http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan006211.pdf>; Norman D. Levin and Yong-Sup Han, *Sunshine in Korea: The South Korean Debate over Policies Toward North Korea*, (Rand, 2002), esp. Chapter 3, <http://www.rand.org/publications/MR/MR1555/MR1555.ch3.pdf>.

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<sup>72</sup> According to Gallup polling, the number of South Koreans who had a favourable view of the United States declined from two thirds in 1994 to just one third in 2002. See Gi-Wook Shin, A New Wave of Anti-Americanism in South Korea, *San Francisco Chronicle* 5 January 2003.

<sup>73</sup> In June 2003, South Korea and the U.S. agreed to the redeployment of the main U.S. garrison in Seoul to a location further south, away from the DMZ. This is to occur at “the earliest possible date”, but no specific time frame has been set: see Joint Statement of Secretary of Defense Donald Rumsfeld and Republic of Korea Minister of National Defense Cho Yung-kil “US and Republic of Korea hold defense ministerial”, 30 June 2003 at <http://www.defenselink.mil/releases/2003/nr20030627-0134.html>. The U.S. is also considering moving its forward division of 16,000 troops, currently located on border, further south: see James Brooke “US to move its army headquarters in South Korea out of Seoul”, *New York Times*, 10 April, 2003. The U.S. troops on the border are regarded as a “tripwire”, in that they would be amongst the first casualties of any North Korean offensive against the South, thereby guaranteeing U.S. participation in such a conflict – a consequence which is intended to act as a brake on any such offensive. U.S. troops in Seoul would also be within range of a North Korean bombardment of the city. Moving US troops further south reduces the risk to U.S. troops from a North Korean attack, and gives the U.S. additional latitude to consider its military options against the North. For this very reason, the North views the redeployment of U.S. troops with concern, fearing it maybe the precursor to a pre-emptive attack by the U.S.: see James Brooke, “DMZ Twist: U.S. Plans Unsettle North Korea”, *New York Times*, 16 June 2003.

policy; those who believe in a form of critical engagement with reciprocal action demanded for each step forward by the South; and those who wish to follow through with the Sunshine Policy.<sup>74</sup> North Korea's declaration that it was moving ahead with a weapons program has frozen most aspects of this policy but many South Koreans still believe that North Korea's bellicosity is essentially a survival strategy and that providing it with guarantees of survival will modify that behaviour. The policy also depends on the view that providing assurances of economic, political and military survival will eventually enhance North Korean dependence on the outside world thereby forcing it to modify its behaviour.

Those who follow this line have opposed the tougher position of the United States and have urged bilateral negotiations. The government has aligned itself with the United States in a call for multilateral negotiations and has developed a road map for a resolution to the issue that is believed to include an array of economic incentives and security guarantees. Despite the nuclear program, the South has maintained its humanitarian program and continued some contacts with the North.<sup>75</sup> The government of President Roh Moo-hyun has all but ruled out any military strike against the North, saying it would be "very, very dangerous."<sup>76</sup> However after creating concerns that he was anti-American, President Roh has gone out of his way to reaffirm links to the United States and has repeatedly stressed that it would be unacceptable to have a nuclear-armed North but that the problem must be solved through peaceful negotiations.<sup>77</sup>

Roh has labelled his approach "a policy for peace and prosperity" that emphasises international cooperation based on Korean initiatives, trust and reciprocity, dialogue and public participation in the

process. As already noted, in March 2003 Roh sent his foreign minister, Yoon Yong-kwun to Washington to discuss the need for a bold initiative by the Americans: the model in mind appeared to be the Nixon opening to China. That received a cool response from Washington, with Secretary of State Colin Powell saying that Yoon's road map was an "interesting approach" but the time was not ripe.<sup>78</sup> Although publicly backing calls for multilateral negotiations, Roh has said he regards the form of the talks as less important than the fact they happen.

## B. JAPAN

Japan's policy towards North Korea has been complicated by more intense concerns than in South Korea over North Korean weapons and missile programs. There is also public revulsion at the kidnapping of Japanese citizens in the 1970s by Pyongyang's secret police. The two sides stepped up their long-running discussions on normalisation in 2002, leading to a visit to the North Korean capital by Prime Minister Koizumi on 17 September 2002 and the signing of the Pyongyang Declaration.

Both sides agreed to work towards an early normalisation of relations and to avoid any actions that raised tensions. They also agreed to abide by all agreements on nuclear non-proliferation, a section that was already being violated by North Korea as it signed the document. Almost immediately after the declaration was signed, tensions rose again over the issue of abductees, some of whom had left for Japan, leaving their families behind. North Korea refused to meet Japanese demands that their abductee's family members should be allowed to leave. Public pressure on the government in Tokyo forced it to back off its rapid rapprochement. North Korea had hoped for up to U.S.\$10 billion in aid from Tokyo but discussion of this has been put on hold.

While stepping up diplomatic approaches to North Korea, Japan also deepened its close defence

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<sup>74</sup> Norman D. Levin and Yong-Sup Han, *The South Korean Debate Over Policies Towards North Korea*, Centre for Asia Pacific Policy, Rand.

<sup>75</sup> South Korea to Complete Rice Shipment to North. Reuters 7 January 2003.

<sup>76</sup> Doug Struck and Bradley Graham. What do U.S. and allies make of North Korea's statement. The Washington Post. 25 April 2003.

<sup>77</sup> Daniel A Pinkston. South Korean Electoral Politics and Seoul's position on the North Korea Nuclear Crisis 25 April 2003 at <http://www.cns.miis.edu/pubs/week/pdf/030425.pdf>

<sup>78</sup> State Department transcript of Colin Powell's remarks of 28 March 2003 at <http://www.useu.be/Categories/GlobalAffairs/Mar2803PowellKoreas.html>; see also Shim Jae-yun, "U.S. to study Seoul's road map on nuclear standoff with NK", *Korea Times*, 30 March 2003.

alliance with the United States. Koizumi has been a strong supporter of U.S. policy on both missile defence and the overthrow of Saddam Hussein, even though the war in Iraq was opposed by some 80 per cent of the Japanese public. Japan has been quietly changing its military posture, developing a long-range refuelling capability and its own satellite surveillance system. Laws on the military and the constitutional constraints on its use are under review.

Japanese cooperation would be vital in ratcheting up the pressure on North Korea by applying sanctions. Some of the most effective and easily implemented sanctions would be a ban on money transfers from Japan to North Korea. These transfers, estimated in a wide range between 100 million dollars to more than one billion a year, are believed to be the main source of foreign exchange for the regime.<sup>79</sup> The Japanese Coast Guard would be a vital part of any effort to impose a shipping blockade on the country. Japan recently tightened security around the Mangyongbong-92, the only ferry that runs between the countries, prompting North Korea to cancel the service. North Korean freighters are said to make at least 1,400 visits each year to Japanese ports.<sup>80</sup>

Japanese positions on North Korea seem to be hardening and it is the country most likely to line up fully with the United States. It first opposed the stopping of KEDO oil shipments but eventually followed the U.S. line. Tokyo's position on sanctions has been ambiguous but it is thought likely to follow the U.S. should talks fail. Japan is a

member of the U.S. Proliferation Security Initiative, an effort announced by President Bush in March 2003 to enhance the international capability to interdict weapons of mass destruction.

### C. CHINA

Until early 2003, appeals to China for action on North Korea tended to meet with nebulous assurances that Beijing wanted to see a non-nuclear Korean Peninsula and that it sought a peaceful resolution of the problem through negotiations. Under U.S. pressure, it has moved away from its previous reticent position and has been applying pressure on North Korea to attend talks in Beijing. Although the first round hosted by the Chinese in April made little headway, they have provided a forum for discussion that might be a useful way forward in the future.

China is North Korea's largest trading partner and closest ally. There are strong links between the People's Liberation Army and the North Korean military and between the Chinese Communist Party and the North Korean Workers' Party.<sup>81</sup> However the extent of Chinese influence is uncertain. There are deep divisions between the countries and much concern in Beijing about North Korea's recent behaviour and its implications in the region. There is little fondness for the Kim Jong-il regime in Beijing – it reminds many of what China was like during the Great Leap Forward, one of the worst periods in its history. China has been encouraging North Korea to follow its lead and move ahead with economic reforms. However, it has seen little success in this despite numerous consultations with the North and recent visits by Kim Jong-il to Shanghai and Beijing during which the Chinese showcased their economic successes.

Chinese diplomatic activity increased with North Korea's announcement that it was leaving the NPT and would no longer stay with the Agreed Framework. Chinese Vice Foreign Minister Dai Bingguo visited Pyongyang in July 2003 for talks

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<sup>79</sup> It is uncertain how much money is channelled back by Koreans living in Japan or by the General Association of Korean Residents in Japan (Chongryon). Many Chongryon members are believed to have switched their allegiance to South Korea and remittances are thought to have declined markedly from the early 1990s when there were at around U.S.\$600 million to about U.S.\$100-200 million in 2000. Much of the money sent to North Korea is believed to come from criminal gangs and it may be difficult to control its movement.

<sup>80</sup> "Japan prepares to tighten inspections of North Korean ships", Associated Press, 1 June 2003. Although there have been allegations that the Mangyongbong-92 was used to smuggle missile parts to North Korea, it is believed that most of the illegal transfers of money, components and people are done through smaller, clandestine freighters that stop first in third countries. See "North Korean Ferry Struggling Against the Tide", BBC, 9 June 2003 at <http://news.bbc.co.uk/1/hi/world/asia-pacific/2958968.stm>.

<sup>81</sup> Kim Il-sung was educated in China and was once a member of the CCP. The old rhetoric held that the two countries were as "close as lips and teeth" but as with all allies, the relationship has been punctuated by severe strains. See David Shambaugh, "China and the Korean Peninsula: Playing for the Long Term", *The Washington Quarterly*, Spring 2003, 26:2.

with Kim Jong-il that, unusually for contacts between the countries, were widely publicised. Chinese statements have stressed that it is consulting all sides and has been urging that the problem be resolved through negotiations and that the Korean peninsula must be free of nuclear weapons.<sup>82</sup> China has also reiterated that any agreement must consider North Korea's "rational security concerns."<sup>83</sup>

China is extremely reluctant to use any threats against the North, although it appears it may have applied some pressure earlier in the year by turning off the oil pipeline to the North for a few days, officially due to technical problems. China provides most of North Korea's energy and substantial amounts of its food but it is unlikely to cut off these supplies, seeing such an embargo as a very blunt weapon. China is extremely fearful of the complete collapse of North Korea that might result in a massive exodus of refugees over its border. It has already had to contend with large numbers of Koreans crossing the border illegally and has recently adopted a tougher line on deportations of refugees.

China has long-term concerns about North Korea developing nuclear weapons. If the North were to collapse after developing the bomb, it might result in a reunified, nuclear Korea, allied to the United States, right on China's border. There are also fears of the regional impact a nuclear-armed North Korea might have. Already its missile development has contributed to Japan strengthening some of its defences and discussing pre-emptive military strikes in a way that was unthinkable until recently. A bolder Japan or the proliferation of nuclear weapons in North East Asia would do nothing to enhance China's position in the region.

The relationship between China and South Korea has deepened considerably in the past decade. China is now the South's largest trading partner and South Korean investment and technology transfer have become increasingly important. Chinese priorities are on maintaining its high economic growth rate and internal stability; the last thing it wants is a war on its borders or to see North

Korea set off a nuclear arms race with Japan, South Korea and possibly even Taiwan.

Even though there is no love lost there, Beijing wants to see the regime in Pyongyang survive, albeit in a reformed state, gradually integrating itself with the South through expanded economic, transport and social links. It wants to see a package deal of incentives, including economic assistance and the normalisation of relations between Washington and the DPRK.

#### D. RUSSIA

Russia has said it opposes the emergence of North Korea as a nuclear power but believes that the way forward is through negotiations and that any form of sanctions would be counterproductive. President Vladimir Putin has repeatedly reiterated Russia "steadfast and unchangeable" opposition to North Korea having nuclear weapons.<sup>84</sup> However some Russian officials have blamed the United States for causing the crisis and Russia teamed up with China to block a UN Security Council statement on North Korea in April 2003.

Relations between Russia and North Korea declined rapidly after Soviet leader Mikhail Gorbachev cut assistance to Pyongyang and established relations with South Korea. Russian President Boris Yeltsin continued to favour the South, allowing a security agreement with Pyongyang to lapse. The decline in relations has reversed direction under President Putin who visited Pyongyang in 2000 and has hosted two visits to Russia by Kim Jong-il. However, the relationship has shrunk in many ways since the end of the Cold War. Bilateral trade has fallen to just U.S.\$115 million a year, meaning there is little economic leverage. Russia, once a major partner, now accounts for only 3 per cent of total merchandise trade, about the same as Germany.<sup>85</sup> Pyongyang is still said to be highly suspicious of Russia. It was the cut-off of Soviet aid, particularly subsidised energy, that contributed to the country's economic ruin and famine.

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<sup>82</sup> Chinese Foreign Ministry Spokesman Press Conference 17 July 2003 at <http://www.fmprc.gov.cn/eng/53083.html>

<sup>83</sup> Ibid.

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<sup>84</sup> Interfax. 10 January 2003 in response to North Korea's announcement that it was withdrawing from the NPT.

<sup>85</sup> Kimberly Ann Elliott. The Role of Economic Leverage in Negotiations with North Korea, 1 April 2003 available at [www.nautilus.org/fora/security/0326A\\_Elliott.html](http://www.nautilus.org/fora/security/0326A_Elliott.html).



Moscow has supported the idea of bilateral talks but has also said these will need to be expanded to multilateral talks at some stage.<sup>86</sup> The Russian government has repeatedly said that the crisis could be resolved with patient negotiations and has said it does not support the use of any threats against the North. Parts of the government, including officials from the Ministry of Atomic Energy, have even questioned whether North Korea has the capability to build nuclear weapons.<sup>87</sup>

However there have been signs of a tougher line against North Korea from Moscow. Deputy Foreign Minister Losyukov said in April 2003 that Russia would oppose sanctions only as long as North Korea “maintains common sense”.<sup>88</sup> He said it was “against our national interest” to have another nuclear-armed neighbour.

## VIII. KEY UNCERTAINTIES

There are limits as to what the United States can learn about other countries, despite impressive U.S. intelligence gathering capabilities, including imagery intelligence, radiation and environmental sensors, communications intelligence, signals intelligence and human intelligence.<sup>89</sup> South Korean intelligence is also notoriously weak and mostly reliant on the United States. The DPRK’s intensely secretive nature and its determination to cloak its nuclear program in strategic ambiguity pose a serious challenge to assessing its activities.

During the last decade, the U.S. government and outside experts have focused intently on North Korea’s nuclear weapons program, yet important questions remain about its capabilities and intentions. No rigorous assessment of U.S. policy options is possible without a fuller understanding of these key uncertainties.

### A. DPRK CAPABILITIES

#### 1. How Much Existing Fissile Material?

The DPRK removed batches of spent fuel from its 30 MW(t) reactor at Yongbyon in 1989, 1990 and 1991. The exact amount of plutonium the DPRK separated from this spent fuel is a matter of debate both inside and outside the U.S. government. In the early 1990s a divided U.S. intelligence community concluded it was more likely than not that the DPRK had enough weapons-grade plutonium for at least one or possibly two nuclear weapons.<sup>90</sup> North Korea now claims it has enough plutonium for six bombs and reports have suggested it is hiding a second, secret reprocessing plant.<sup>91</sup> Neither of these

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<sup>86</sup> Russian Deputy Foreign Minister Alexander Losyukov quoted in “Deputy FM: Russia Planning for Korean Peninsula Worst Case Scenarios” Agentsvo Voyennykh Novostey (Military News Agency) Moscow 11 April 2003.

<sup>87</sup> Cristina Chuen, *Russian Responses to the North Korean Crisis*, Center for Non-Proliferation Studies, 24 January 2003.

<sup>88</sup> Clara Ferreira-Marques, “Russia Says Could Back Sanctions Against North Korea”, Reuters Moscow, 11 April 2003 citing an interview with Interfax News Agency.

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<sup>89</sup> See Jeffrey T. Richelson, *The Wizards of Langley: Inside the CIA’s Directorate of Science and Technology*, (Boulder, Co., 2001).

<sup>90</sup> This remained the official assessment until December 2001, when the intelligence community stated that the DPRK had actually produced one or possibly two nuclear weapons. However, a January 2003 CIA assessment reverted back to the earlier language, claiming that Pyongyang probably had produced enough plutonium for one or possibly two nuclear weapons. See Pollack, op. cit.

<sup>91</sup> See “North Korea says it has Materials for Atom Bombs”, *New York Times*, 15 July 2003 and “North Korea Hides New Nuclear Site, Evidence Suggests”, *New York Times*, 20 July 2003.

assertions can be verified and U.S. officials have said they are likely to be North Korean provocations, not backed by substance.<sup>92</sup>

There is a related debate over how deliverable any weapons may be. In other words, does the DPRK have primitive nuclear devices, which may be difficult, if not impossible, to deliver on a target? Does it have weapons small enough to deliver by plane? Or has it miniaturised any weapons sufficiently to mount on a ballistic missile? The open literature provides no clear answers to these questions.<sup>93</sup>

It is unclear if the United States knows where any separated plutonium, devices or weapons may be located inside the DPRK.

## 2. How Much Potential Fissile Material?

In February 2003, the DPRK moved the spent fuel that had been stored in canisters at the Yongbyon site. (This fuel had been removed from the 30 MW(t) reactor in 1994.) It is unclear how well the United States has been able to track this fuel. It may have moved some or all of it to the reprocessing plant at Yongbyon or to unknown locations.

In April 2003, the DPRK announced that it was successfully reprocessing this spent fuel, a claim it amended a week later by saying it was “successfully going forward to reprocess work”. It is possible that some small-scale reprocessing in hot cells at Yongbyon has occurred and/or that the DPRK has another reprocessing facility or facilities located outside Yongbyon. As of mid-July 2003, there was still a debate inside the Bush Administration as to whether the DPRK has actually engaged in further reprocessing. One authoritative analysis had concluded earlier that this spent fuel contained enough plutonium for approximately five or six nuclear weapons, assuming five kilograms per weapon.<sup>94</sup> The DPRK can separate this plutonium in about five to six months.

Earlier this year the DPRK restarted its 30 MW(t) reactor. This reactor can generate spent fuel containing enough plutonium for “about six kg per year,” or about one nuclear weapon per year, according to a November 2002 unclassified CIA estimate.

The DPRK also could produce additional plutonium from its 50 MW(e) reactor at Yongbyon and 200 MW(e) reactor at Taechon; construction work on these reactors had been frozen under the Agreed Framework. In the same November 2002 unclassified intelligence analysis, the CIA estimated it would take “several years” to finish building these reactors, but once operational, they could produce spent fuel containing approximately 275 kilograms of plutonium per year.<sup>95</sup> Assuming five kilograms per weapon, this would translate into 55 nuclear bombs annually.

With respect to highly enriched uranium (HEU), which, like plutonium, can be used for nuclear bombs, the November 2002 CIA analysis stated that the DPRK’s program could produce enough HEU for “two or more nuclear weapons per year when fully operational - which could be as soon as mid-decade”.<sup>96</sup> U.S. officials admit that the location or locations of this DPRK program is unknown.<sup>97</sup>

The most recent estimate from the Carnegie Endowment for International Peace, bringing together all the available data from U.S. government sources, is that by 2010 the DPRK will, if unchecked, be in a position to have produced up to 235 plutonium based weapons and up to 18 HEU weapons, making a total of up to 253 nuclear weapons.<sup>98</sup>

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<sup>92</sup> Glenn Kessler. “Proposals to N Korea Weighed” *Washington Post*, 22 July 2003.

<sup>93</sup> For a good discussion of these issues, see Sharon A. Squassoni, “North Korea’s Nuclear Weapons: How Soon An Arsenal?”, *CRS Report for Congress*, 23 April 2003.

<sup>94</sup> David Albright, “How Much Plutonium Did North Korea Produce?” in Albright and O’Neill, (eds), op. cit., p. 125.

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<sup>95</sup> “CIA estimate for Congress,” Nov. 19, 2002, <http://www.fas.org/nuke/guide/dprk/nuke/cia111902.html>.

<sup>96</sup> Ibid. In March 2003, Assistant Secretary of State for Asia and the Pacific, James A. Kelly, misspoke before the Senate Foreign Relations Committee when he claimed that the DPRK could produce HEU in “probably a matter of months, not years,” an estimate at odds with the CIA’s estimate only months earlier. ICG interview with U.S. Government official, Washington, D.C., 27 May 2003.

<sup>97</sup> ICG interview with U.S. Government official, 11 June 2003.

<sup>98</sup> Jon B Wolfsthal, “Estimates of North Korea’s Unchecked Nuclear Weapons Production Potential”, *Proliferation News*, 29 July 2003, [www.ProliferationNews.org](http://www.ProliferationNews.org).

## B. DPRK INTENTIONS

What does North Korea want? After decades of investing time, hard currency and scarce scientific resources, the DPRK may not wish to surrender its nuclear ambitions. Kim Jong-il may have already decided that nuclear weapons are essential to the DPRK's security, the regime's perpetuation and his personal survival. There is also a possible economic motivation.<sup>99</sup> If so, Pyongyang may be merely playing for time so that it can increase its nuclear competence and capabilities.

Alternatively, the DPRK may be willing to negotiate away its nuclear weapons program – both the plutonium and enriched uranium paths – if the price is right. But even if it entered into an agreement, would the DPRK honour any bargain that was struck? Past practice does not offer much confidence here, as Pyongyang has systematically shredded its international commitments under the Denuclearization Declaration, the Agreed Framework, the IAEA and the NPT. Or perhaps the DPRK is willing to trade only a part of its nuclear weapons program, while keeping as insurance against an uncertain future a nuclear ace-in-the-hole, all the while betting that it can hide its duplicity from outside inspectors.

Finally, the DPRK may not yet have made a definite decision on its ultimate nuclear status, but is instead waiting to see what bargain it can strike with the United States and others.

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<sup>99</sup>As former President Clinton has put it, “They cannot grow enough food to feed themselves but they’re world class missile builders and bomb builders; missiles and bombs are their cash crops”. Speech at New York University, 14 January 2003, [http://www.clintonpresidentialcenter.com/global\\_nyu\\_2003.html](http://www.clintonpresidentialcenter.com/global_nyu_2003.html). North Korea's legitimate export earnings in 2002 have been estimated at \$750m – as compared with earnings from missile sales in 2001 of \$560m (and estimated earnings from illegal drugs of at least \$500m in 2002 and from counterfeit currency of around \$100m a year) see Jay Solomon and Hae Won Choi, “Money Trail: In North Korea, Secret Cash Hoard Props Up Regime”, *Wall Street Journal*, 14 July 2003; Jay Solomon and Jason Dean, “Drug Money: Heroin Busts Point To Source of Funds For North Koreans”, *Wall Street Journal*, 23 April 2003; EIU “Country Report 2003” for Korea, quoted in Heritage Foundation testimony to U.S. Senate on 20 May 2003.

## IX. POLICY OPTIONS

Uncertainties over the DPRK's capabilities and intentions do not prevent the development of policy options, but they complicate the task: poor information and faulty analyses increase the chance of crafting inappropriate, inadequate or even counterproductive policy choices.

In principle, the Bush Administration has a number of available policy options, which range from accepting a nuclear-armed North Korea to using military force to topple the Kim Jong-il regime. Each has severe shortcomings, which is why some pundits have termed North Korea “the land of lousy policy options”. The predicament can be expressed succinctly. It is not certain that any option can concurrently guarantee two key objectives: a peaceful resolution of this crisis *and* a fully denuclearised North Korea.

Further, it is unlikely that the DPRK will remain a passive bystander in the coming weeks and months. Rather, its behaviour may well force the Bush Administration and its allies to react in ways that are currently unanticipated, but which will narrow U.S. options or foreclose them entirely. Pyongyang in fact has a range of actions it can take to increase the pressure on Washington. For example, it can raise tensions further by creating incidents at sea along the Northern Limit Line, along the DMZ or in South Korean airspace; it can conduct a ballistic missile test; it may even decide to conduct a nuclear test.<sup>100</sup> Easiest of all, it can keep generating spent fuel and reprocess it. If the DPRK is seen as unilaterally escalating tensions, then these steps could make it easier for the United States to coordinate its policy with other countries in the region.

Alternatively, Pyongyang could selectively lower tensions in an attempt to isolate Washington from its allies and portray the U.S. as the greatest threat to peace and security in the region. For example, it could address the abduction issue with Japan, allow family reunions and promote military confidence-building measures with South Korea, engage in economic reform discussions with China, and

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<sup>100</sup> U.S. officials believe that the DPRK may conduct a nuclear test later this year. ICG interview with U.S. Government official, Washington, D.C., 27 May 2003.

negotiate with Russia over rail links and gas pipelines. Should the DPRK adopt this approach, it could make it much more difficult for the United States to consider certain options and implement its policy in any event.

### **OPTION 1: ACQUIESCENCE AND WITHDRAWAL**

Under this option, which is extremely unlikely to be acceptable to any of the governments involved, the United States could simply walk away from this problem, arguing that the DPRK would never honour any deal it signed anyway. For Washington, this option would have the advantage of “not rewarding bad behaviour” by making any concessions to the DPRK in negotiations and not legitimising the DPRK as an equal in a diplomatic setting. To ensure that U.S. forces could not be targeted by the DPRK, Washington would withdraw its troops from the South. This would allow the United States to preserve the greatest amount of military flexibility, choosing when, where, or even if it would respond to DPRK aggression. It would leave a nuclear-armed North Korea to those countries most immediately affected – South Korea, Japan, China and Russia.

There are a number of obvious shortcomings with this option. American retreat in the face of the DPRK threat would weaken deterrence on the Korean peninsula, thereby increasing the risk of war (i.e., a replay of 1945-50).<sup>101</sup> South Korea, Japan and Taiwan would all question the credibility of extended deterrence and Washington’s commitment to their security. These countries might rethink their non-nuclear pledges, either hedging their bets by moving closer to possessing independent nuclear weapons capabilities or becoming declared nuclear weapons states, thereby leading to a chain reaction of proliferation in East Asia and perhaps elsewhere.<sup>102</sup> In any event a nuclear capable DPRK would pose a direct threat to the west coast of the U.S. if it was to successfully develop its Taepo Dong II ballistic missiles.

If key regional countries did not dissuade or otherwise prevent a nuclear-armed North Korea, then the demonstration effect of allowing the North to “get away with it” would further encourage would-be proliferators. Non-nuclear weapons states dependent on the American nuclear umbrella in other parts of the world would question the credibility of U.S. security commitments and the wisdom of continued nuclear abstention. Indeed, Pyongyang might actively lower entry costs to the nuclear club by becoming the world’s leading supplier of nuclear technology, fissile material or nuclear bombs to other “rogue” states or terrorist organisations like al Qaeda. If this occurred, the international security environment would deteriorate severely.

### **OPTION 2: RECIPROCAL INDEPENDENT RESTRAINT**

The United States could pursue an informal approach that relies on carefully crafted signals but no written agreement. The United States and the Soviet Union engaged in this type of diplomacy throughout the Cold War. Under this option Washington would signal to Pyongyang that it would not launch any military strikes against the DPRK so long as the DPRK did not reprocess any spent fuel at the Yongbyon reprocessing plant. This would cap the DPRK’s most immediate path to additional fissile material and defuse the immediate crisis.

For Washington, this approach would have the advantage of not “rewarding bad behaviour” by making any tangible concessions to Pyongyang; not legitimising the DPRK as an equal in a formal diplomatic setting; not depending on an inherently flawed inspection regime; and not trusting the DPRK. Washington could unilaterally monitor the North’s adherence at the Yongbyon nuclear complex through National Technical Means.<sup>103</sup> This option would also buy some time, perhaps enough for the Bush Administration to get past the November 2004 presidential election.

If this option would defuse the immediate crisis, the larger challenge posed by the DPRK’s nuclear

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<sup>101</sup> William J. Perry, “Lessons of the 1994 Crisis for Today,” 28 May 2003, <http://yaleglobal.yale.edu/display.article?id=1713>.

<sup>102</sup> See Kurt M. Campbell, Robert J. Einhorn, and Mitchell B. Reiss, (eds), *The Nuclear Tipping Point* (Washington, D.C., forthcoming).

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<sup>103</sup> “National Technical Means” of verification are the capability of a country unilaterally to verify an agreement through imagery and detection equipment based in space, land, air or water.

ambitions would not be solved. It would buy some time, but time would not necessarily favour the United States. It would not halt the DPRK's nuclear weapons program. The DPRK may have locations other than Yongbyon where it can separate plutonium from spent fuel without the United States being able to detect it. Also, the DPRK could continue working on its uranium enrichment program. Moreover, any number of incidents could instantly transform this modus vivendi into a crisis, such as a long-range ballistic missile launch. Again it is unlikely that this option would be acceptable, except in this case to keep the issue in its current holding pattern ahead of talks.

### OPTION 3: NEGOTIATION

A third option is for the United States to negotiate a formal diplomatic solution to the nuclear crisis with the DPRK. All reports suggest that previous U.S.-DPRK meetings in October 2002 and April 2003 have been not so much true negotiations as demarches and separate recitals of maximum demands by each party.

#### 1. What Does the United States Want?

In his May 2003 joint press conference with Japanese Prime Minister Junichiro Koizumi, President Bush stated his Administration's position: "We will not settle for anything less than the complete, irreversible and verifiable elimination of North Korea's nuclear weapons program."<sup>104</sup> The United States would also like to eliminate the DPRK's long-range ballistic missiles, abolish its chemical and biological weapons programs, and have the DPRK redeploy its conventional forces away from the DMZ. It is uncertain what, if anything, the United States is prepared to give to the DPRK should it respond positively to the U.S. in these respects.<sup>105</sup> Aside from some general statements that Washington would eventually address Pyongyang's concerns, and some references to food and energy assistance, the

Administration has presented no details of its "bold initiative" to the DPRK.<sup>106</sup>

#### 2. What Does the DPRK Want?

In official statements, the DPRK claims it would like to see a negotiated solution to the nuclear issue, on the basis of three conditions: (i) the United States must recognise the DPRK's sovereignty and not interfere in its internal affairs, (ii) the United States must provide assurances of nonaggression, and (iii) the United States must agree not to impede the DPRK's economic development.<sup>107</sup> North Korea watchers have interpreted these conditions to mean that Pyongyang wants (i) a U.S. pledge not to overthrow the Kim Jong-il regime, (ii) a U.S. pledge that Washington will not use nuclear weapons against the DPRK or otherwise attack it, and (iii) a U.S. pledge that it will not block the DPRK's access to international financial institutions such as the Asian Development Bank and World Bank, although less benign interpretations have also been offered. If Washington can satisfy these concerns, then Pyongyang says it is willing to address U.S. concerns. Senior DPRK officials say that Pyongyang is willing to give up its nuclear weapons program and submit to U.S. inspectors.<sup>108</sup>

#### 3. Negotiation Challenges

Given the history of relations between the United States and the DPRK, their mutual mistrust and the complexity of the issues, any negotiation would present multiple challenges for both parties.

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<sup>104</sup> Joint Press Availability with President Bush and Prime Minister Koizumi, Crawford, Texas, 23 May 2003, <http://www.whitehouse.gov/news/releases/2003/05/print/20030523-4.html>.

<sup>105</sup> ICG interview with U.S. Government official, Washington, D.C., 27 May 2003.

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<sup>106</sup> ICG interviews with State Department officials and two other U.S. government officials, Washington, 11, 12 and 18 June 2003; and text above at footnotes 65-67. The most influential discussion of what the U.S. should seek in any serious negotiation, and reasonably demand in return, is the 1999 National Defense University study examining the North Korea problem and proposing a "more for more" package: see Richard L. Armitage, *A Comprehensive Approach to North Korea*, INSS Strategic Forum, No. 159 (March 1999). Armitage is currently the Deputy Secretary of State.

<sup>107</sup> See, for example, KCNA, 25 October 2002; also, ICG interview with DPRK Ambassador Han Song Ryol, New York, 14 May 2003.

<sup>108</sup> ICG interview with DPRK Ambassador to the United Nations Han Song Ryol, New York, 14 May 2003.

For the United States, there is first the immense challenge of verifying the complete and irreversible dismantlement of the North's nuclear program. Given the DPRK's history of secrecy and deception, any inspection regime would have to be pervasive and highly intrusive, perhaps along the lines of UN Security Council resolution 1441 for Iraq. And even this level of on-site scrutiny may not be sufficient. According to South Korean officials, the DPRK has by some estimates 11,000-15,000 potential underground sites that may house elements of its nuclear weapons program.<sup>109</sup> Experience in Iraq has demonstrated just how difficult it can be to uncover WMD programs, or establish their termination.

The United States will then have to ask: how much verification is enough? Although many of the major elements of the DPRK's nuclear program can be captured – spent fuel, separated plutonium, uranium enrichment technology – the reality is that the United States and the international community cannot be 100 per cent certain that the DPRK has not squirreled away some part of its nuclear activities. One approach would be to reduce this uncertainty to a point where it was not “militarily significant,” the standard the United States used during the Cold War for its arms control agreements with the Soviet Union. In the case of the DPRK, militarily significant could mean enough plutonium (five kilograms) or HEU (25 kilograms) for a bomb. The IAEA adopted this standard in South Africa after that country admitted constructing and then dismantling a small nuclear arsenal, but the political situation there influenced the acceptability of these numbers. The United States would have to decide if it could tolerate even this margin of uncertainty in a post-9/11 world. As of June 2003, the Bush Administration had not examined in detail what a verification and inspection regime for the DPRK would look like.<sup>110</sup>

A second challenge would be the need to reassure the DPRK regime that the United States does not harbour any aggressive intentions.<sup>111</sup> The rhetoric and actions of the Bush Administration – the

President's identification of North Korea as “evil”, the 2001 Nuclear Posture Review, the 2002 National Security Strategy, and wars in Afghanistan and Iraq – have dramatically raised the cost of reassurance. President Bush, in a speech at the Boeing F-18 production facility in St. Louis after the Iraq war, raised it still further: “The overwhelming majority of the munitions dropped in the Iraqi campaign were precision-guided. In this new era of warfare, we can target a regime, not a nation.” His expressions of personal loathing for the North Korean leader, noted again below, also make it more difficult to take the steps that may be necessary to reach a peaceful agreement.

Indeed the United States may even have priced reassurance out of the market. Even before the President's remarks in St. Louis, a North Korean Foreign Ministry spokesman commented on the lessons of the U.S.-led war against Iraq. He noted that the United States demanded that Iraq submit to inspections, which it did; and that the United States demanded that it disarm, which it began to do. The United States attacked anyway. “This suggests that even the signing of a non-aggression treaty with the U.S. would not help avert a war. Only the physical deterrent force...supported by any ultra-modern weapons, can avert a war and protect the security of the country and the nation.”<sup>112</sup> If true, Washington would have to take concrete steps – economic, diplomatic and perhaps military – to signal a change in U.S. policy towards the North for there to be a negotiated resolution.

Thirdly, the Bush Administration would have to overcome its moral qualms and tolerate the perpetuation of the Kim Jong-il regime as the price for resolving the nuclear crisis. President Bush reportedly has strong views concerning the North Korean leader. The president was quoted as saying: “I loathe Kim Jong-il!... I've got a visceral reaction to this guy because he is starving his people...I feel passionate about this.”<sup>113</sup> Other U.S. officials assert that Bush recognises he may have to live with Kim Jong-il remaining in power if he wants to reach a deal.<sup>114</sup> For some U.S. officials and members of the Senate and the House of Representatives, there are no circumstances under which the Bush

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<sup>109</sup> “North Korea Hides New Nuclear Site, Evidence Suggests.” *New York Times*, 20 July 2003.

<sup>110</sup> ICG interviews with State Department officials and two other U.S. government officials, Washington, 11, 12 and 18 June 2003.

<sup>111</sup> ICG interview with Robert Litwak, Washington, 29 May 2003.

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<sup>112</sup> *KCNA*, 6 April 2003.

<sup>113</sup> Quoted in Bob Woodward, *Bush At War* (New York, 2002), p. 340.

<sup>114</sup> ICG interview with U.S. government official, Washington, D.C., 13 June 2003.

Administration should allow the Kim Jong-il regime to survive, even if it abandoned its nuclear weapons program.<sup>115</sup> This attitude would have to change.

Fourthly, and related to the point above, the Bush Administration would have to manage the domestic politics of any negotiation with the DPRK, especially as it heads into a presidential election year. Many Republican Party officials criticised the Clinton Administration's dealings with the North. If not opposed outright to a new arrangement, they are likely to be extremely wary.

Fifthly, there is the risk the DPRK may not negotiate in good faith, but prefer to drag out negotiations. Buying time would allow Pyongyang to increase its nuclear capabilities – both its plutonium and HEU programs – thereby strengthening its hand either for a future negotiation or military confrontation.

The DPRK faces its own challenges in a negotiation. For a highly suspicious and secretive country, accepting wide-ranging, highly intrusive inspections would be contrary to its behaviour over the past five decades and difficult to tolerate. (Many Bush Administration officials are sceptical Pyongyang would ever allow these types of inspections.<sup>116</sup>) Even international relief organisations delivering food and humanitarian assistance to the DPRK are routinely denied access to large parts of the country for “security” reasons.<sup>117</sup> A chief concern would be ensuring that Pyongyang could maintain ideological purity and control over its populace.

Moreover, Pyongyang would believe itself outnumbered and isolated in a multilateral negotiation that included China, South Korea and Japan, as well as the United States. It would need to resist diplomatic pressure, probe for differences among the other parties and try to exploit them to its own advantage. A multilateral setting would complicate its past habit of trying to separately “divide and conquer” its opponents.

For both parties, there is the obvious risk that the other may renege on any deal. The existing mutual mistrust would have to be avoided by structuring any deal so that it left one side in no worse a position if the other side failed to honour its commitments.

#### **OPTION 4: COERCION SHORT OF MILITARY FORCE**

A coercive option would require the United States to work closely with other countries in the region, most notably China, South Korea, Japan and Russia, to increase economic pressure on the DPRK in such a manner as to force it to relinquish its nuclear weapons program. Economic sanctions could be adopted informally as a multilateral arrangement (countries in the region, especially South Korea, may be more willing to take decisive measures if they were done quietly in order to lessen the DPRK's public humiliation) or pursuant to a UN Security Council resolution.

Economic pressure and sanctions could be applied gradually, with each move followed by a pause to gauge if the North would be more amenable to foregoing its nuclear ambitions. A first step could be to deny North Korea hard currency in the least controversial way, by making an intensive effort to crack down on its illegal activities, such as narcotics trafficking and counterfeiting. (U.S. officials estimate that Pyongyang annually derives half of its hard currency from these activities.<sup>118</sup>)

Next steps could include stopping remittances from ethnic Koreans living in Japan and suspending South-North ventures such as the Mt. Keumgang tours – then interdicting suspected ballistic missile shipments. Supporters of sanctions of this kind argue that they would be effective, not by isolating a country that could hardly be more isolated than it already is, but by making clear to the country's leadership that “pursuit of the nuclear path, far from guaranteeing regime survival, will entail costs that will ultimately make the regime more insecure.”<sup>119</sup>

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<sup>115</sup> ICG interview with U.S. government officials, Washington, D.C., 27 May and 11 June 2003; but see interview with Deputy Secretary of State Richard Armitage, *Far Eastern Economic Review*, 12 June 2003.

<sup>116</sup> ICG interviews with U.S. government officials, 11 June 2003.

<sup>117</sup> ICG interview with UN Office for the Coordination of Humanitarian Affairs, New York, 13 May 2003.

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<sup>118</sup> ICG interview with U.S. government official, Washington, D.C., 27 May 2003. For the orders of magnitude of export income involved, see footnote 99 above.

<sup>119</sup> Victor Cha, “Tighten the noose around North Korea”, *Financial Times*, 29 July 2003.

A potentially mortal step would be China's suspension of energy, food assistance and trade with the DPRK, which accounts for 80 per cent of the North's economic activity.<sup>120</sup> Should the DPRK not succumb to these pressures by agreeing to eliminate its nuclear capabilities, then sanctions would continue until the regime collapsed. These sanctions would impose immense additional hardships on the people of North Korea. They are already facing food shortages and economic failure. The withdrawal of energy and food supplies would take a huge toll.

This option has some important weaknesses. First, Pyongyang declared in 1994 and has restated recently that the onset of economic sanctions would be tantamount to a declaration of war. Whether it would make good on this threat is unclear, but the risk of war would have to be taken seriously. This means that U.S. forces in South Korea and the region would have to be reinforced before any sanctions were imposed.

U.S. Forces/Korea (USF/K) and U.S. Pacific Command (PACOM) have already been developing contingency plans to reinforce the peninsula.<sup>121</sup> This planning process includes identifying the resources needed for Korea and then reaching agreement to borrow them from other commands. Some shortfalls have already emerged – air-lift and sea-lift, precision-guided munitions (“the gun isn't loaded,” according to one senior military officer<sup>122</sup>), and information, surveillance and reconnaissance (ISR) assets are among the most important. Also problematic will be placing additional “boots on the ground” because of far-flung U.S. military commitments, especially in Iraq. As one possible compensating measure, USF/K and PACOM are thinking of sending up to six aircraft carrier battle groups to the region.<sup>123</sup> The military makes clear this is not a good time to be picking a fight with

North Korea. Diplomacy and defence planning are “out of sync,” according to one senior military officer.<sup>124</sup>

Secondly, the success of any sanctions option is likely to depend ultimately upon the willingness of all the countries in the region to turn up the economic pressure on the DPRK to the point where the regime would collapse. Without solidarity across the board, full-scale sanctions would stand no chance of success. Yet the DPRK's collapse, with its attendant refugee, economic and humanitarian crises, is not a prospect welcomed by any of the countries in the region. It is an open question whether they would impose increasingly severe sanctions or quietly renege and allow the DPRK regime to survive.

Thirdly, there is the question of whether the regime would survive anyway. Even if a united front on sanctions could be maintained, this option assumes that the DPRK would be brought to its knees before it could proliferate further. Although collapse may occur suddenly, with little warning, most major political and social indicators of a regime in crisis are not present.<sup>125</sup> Pushed to their limit, sanctions would certainly cause immense harm to the people of North Korea – but at the same time there are no guarantees that the regime would actually fall if subjected to this kind of pressure. The DPRK's ability to defy economic gravity continues to confound analysts. It has already proven far more resilient than many observers anticipated in surviving its first leadership transition and the famines and economic decline of the 1990s.<sup>126</sup> The DPRK would almost certainly survive longer than the five to six months it would take to separate plutonium for another five or six nuclear weapons.

And it is possible the regime could survive years, giving it time to separate more plutonium and produce HEU. Former Ambassador-at-Large for Korea, Robert L. Gallucci, recently commented: “The cost of these weapons programs is relatively small as compared to the cost of sustaining the

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<sup>120</sup> Secretary of State Colin L. Powell, “Press Briefing on Board Plane en Route Elmendorf Air Force Base,” 25 February 2003, <http://www.state.gov/secretary/rm/2003/17965.htm>.

<sup>121</sup> The Defense Department announced plans in late May, subject to Seoul's approval, to reinforce U.S. forces in the South by sending 130 tanks and infantry fighting vehicles, 3-4 transport vessels, Patriot Advanced Capability-3 (PAC-3) anti-ballistic missiles, supplies and ammunition. See Yoo Yong-won, “US Bolstering Defense on Peninsula”, *Chosun Ilbo*, May 28, 2003.

<sup>122</sup> ICG interview with senior NATO official, Norfolk, Virginia, May 29, 2003.

<sup>123</sup> ICG interview with Pentagon official, Washington, D.C., May 27, 2003.

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<sup>124</sup> ICG interview, June 11, 2003.

<sup>125</sup> For a listing and discussion of such indicators, see Jonathan Pollack and Chung-min Lee, *Preparing for Korean Unification: Scenarios and Implications*, RAND MR-1040-A (1999), pp. 62-66.

<sup>126</sup> See Norman D. Levin, “What if North Korea Survives?”, *Survival*, Vol. 39, no. 4 (Winter 1997-98), pp. 156-174.



North's large conventional forces and moreover, there is no reason to believe that Pyongyang would not also make brutal trade-offs against the needs of the civilian sector to fund the nuclear weapons program."<sup>127</sup> In short, the time needed for the sanctions option to succeed is longer than the time needed by the DPRK to continue to improve its nuclear capabilities and, more significantly, to export nuclear technology, fissile material and nuclear weapons around the world. Ironically, sanctions that squeezed the Kim Jong-il regime progressively tighter would give it greater economic incentive to peddle its nuclear arsenal to the highest bidder and thus obtain the hard currency needed to sustain itself in power.

Fourthly, there is the question of enforcement. It is usually argued that the sanctions option would need to be combined with a naval blockade to interdict trade from the DPRK: while some partial measures can be taken under existing national and international law (and are being pursued already with the U.S.'s recently announced Proliferation Security Initiative<sup>128</sup>), any comprehensive blockade would require a UN Security Council resolution,

and be unlikely anyway to be fully effective in intercepting all relevant items, though large items like fully or partly assembled missiles should be relatively easy to detect.

**A Nuclear Exports Blockade?** Could a blockade be effective in interdicting what would be the primary target of the whole enforcement exercise – potential Pyongyang exports of nuclear technology, fissile material and nuclear weapons? There are reasons for very real doubt as to whether it could.<sup>129</sup> The belief that a naval blockade could effectively prevent proliferation assumes, first of all, that the United States and/or its allies would station ships off North Korea's coasts indefinitely. Even if this deployment were sustainable, it would likely not succeed in capturing all sensitive exports. An effective plutonium blockade must be airtight because of the lethality of a single nuclear device. Every single vessel, whether DPRK-flagged or not, would have to be stopped and searched.

Even this would not be sufficient, because North Korea shares a 1,400 kilometre land border with China and Russia that would have to be secured.<sup>130</sup> The hundreds of refugees and migrant workers that cross daily from North Korea into China give some sense of this challenge. In addition, a naval blockade would have no effect on aircraft leaving the DPRK or, for that matter, on North Korean diplomats, who have reportedly smuggled drugs and other contraband in the past. Foreign nationals, foreign aircraft and foreign vessels could also all be used to move nuclear technology, fissile material or nuclear weapons.

Moreover, a naval blockade does nothing to prevent the DPRK from increasing its nuclear capabilities, especially its stockpile of fissile material. And once Pyongyang's uranium enrichment program is operational, the challenge of detecting exports increases exponentially because HEU is virtually undetectable in practice due to very low radiation emissions. According to a Stanford University study, "it would be nearly

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<sup>127</sup> Testimony of Robert L. Gallucci, "Drugs, Counterfeiting, and Weapons Proliferation: The North Korea Connection," Senate Committee on Governmental Affairs, Subcommittee on Financial, Management, the Budget, and International Security," May 20, 2003.

<sup>128</sup> The Proliferation Security Initiative (PSI), announced by President Bush in Poland on 31 May 2003, envisages "partnerships of states working in concert, employing their national capabilities to develop a broad range of legal, diplomatic, economic, military and other tools to interdict threatening shipments of WMD and missile-related equipment and technologies" via air, land, and sea: testimony of John R. Bolton to the Committee on International Relations, U.S. House of Representatives, June 4, 2003 ([www.house.gov/international\\_relations/108/](http://www.house.gov/international_relations/108/)); see also David E. Sanger, "Cracking Down on the Terror-Arms Trade", *New York Times*, 15 June 2003. Ten countries have signed up to the PSI in addition to the US: Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain and the United Kingdom. The PSI relies primarily on inventive use of national laws [– detaining within territorial waters or domestic airspace on various grounds, but also could involve interceptions on the high seas or in international airspace in certain circumstances: when ships do not fly a nation's flag, when a 'flag of convenience' nation gives permission for its ships to be searched and, most controversially, in pursuit of a 'general right of self-defence': see also Rebecca Weiner, "Proliferation Security Initiative to stem flow of WMD materiel" Monterey Institute of International Studies, 16 July, 2003 at <http://cns.miis.edu/pubs/week/030716.htm#fn7>.

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<sup>129</sup> ICG interviews with U.S. government officials, Washington, 27 May and 11 June 2003.

<sup>130</sup> See Michael Levi, "Uncontainable: North Korea's Loose Nukes," *The New Republic*, May 26, 2003, pp. 11-13.

impossible for the U.S. to detect enriched uranium imports into America.”<sup>131</sup>

## OPTION 5: MILITARY FORCE

Any first use of military force by the United States against the DPRK would run enormous risks. These include the chance of nuclear, chemical, biological or conventional retaliation against South Korea and Japan, the chance of a second Korean War, and the possible rupture of American alliances with the ROK and Japan if the U.S. strike was taken without prior consultation and agreement. It is unclear under what circumstances, if any, the ROK and Japan would agree to the use of American military force – whether limited or not – against the DPRK. Further, if the use of American military force was not in response to an imminent DPRK attack or mandated by the Security Council, it would violate international law.

### 1. Limited Pre-emption

Should previous options prove unacceptable, unworkable or ineffective, the United States, with or without its allies, is capable of launching a limited pre-emptive military strike against the DPRK’s known nuclear weapons sites.

A key objective would be destruction of the Yongbyon reprocessing plant; other targets would likely include the IRT research reactor, the 30 MW(t), 50 MW(e) and 200 MW(e) reactors, the fuel fabrication facility and the Isotope Production Laboratory. The Clinton Administration developed detailed plans in spring 1994 to use conventionally armed precision-guided munitions against the DPRK’s nuclear facilities and made clear its intention to do so to Pyongyang. According to senior Defense Department officials at the time, Washington decided that Pyongyang could not be allowed to separate additional spent fuel and enter into serial production of nuclear weapons because of the dangers for regional stability and U.S. security.<sup>132</sup>

Because of advances in the DPRK’s nuclear program, a pre-emptive strike today would have only limited success; it could not hit what it could not find. Although above-ground facilities at Yongbyon and elsewhere could be destroyed, much of the DPRK’s nuclear weapons program remain hidden. For example, it is unlikely the United States knows where the plutonium for one or two bombs is located, where all the spent fuel rods are located and where the uranium enrichment program is located. Military action of this kind also risks the spread of radioactive material.

And one of the many uncertainties surrounding a U.S. limited strike is whether it would provoke an all-out military response by the DPRK.

### 2. Regime Change

Regime change in North Korea for all practical purposes means all-out war on the Korean Peninsula, designed in effect to achieve the elimination of North Korea as an independent state. Less extreme objectives like replacing Kim Jong-il with a more moderate leader, or removing the Korean Worker’s Party from power would seem – whether or not either would solve the nuclear problem – highly unlikely to be achievable by the threat or use of military force.

The argument made here is that because a limited strike against the DPRK’s nuclear facilities would not eliminate all of the North’s nuclear weapons programs, the only sure way to resolve this crisis would be to change the regime in Pyongyang – by whatever that takes. “The DPRK is the North Korean nuclear problem,” according to one scholar, “and unless those intentions change, that problem will continue as long as the North Korean state holds power.”<sup>133</sup> Nothing less than the military defeat, occupation and inspection of the entire country could eliminate the North’s nuclear weapons program.

But such a conflict would devastate the peninsula, reversing five decades of economic growth in the South and causing massive casualties in both Koreas. And although weakened by a poor economy, miserable industrial base, and inadequate training, the DPRK military remains formidable, capable of inflicting significant damage on U.S.

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<sup>131</sup> See Michael May, Dean Wilkening, and Tonya L. Putnam, “Container Security Report”, CISAC Report, January 2003.

<sup>132</sup> See Ashton B. Carter and William J. Perry, “Back to the Brink,” *Washington Post*, October 20, 2002; also, Sigal, *Disarming Strangers*, pp. 71-77.

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<sup>133</sup> Eberstadt, op. cit., p. 135.

and ROK forces. North Korean soldiers appear ideologically indoctrinated and highly motivated; for example, very few commandos from the North are taken alive, preferring suicide to capture. After the recent U.S. victory in Iraq, a DPRK diplomat allegedly told his American counterpart not to underestimate his country's fighting ability, declaring that "we're not Arabs."

A decade ago, the former Commander of USF/K, General Gary Luck, estimated that a second Korean War would cost U.S.\$1 trillion in economic damage and result in 1 million casualties, including 52,000 U.S. military casualties.<sup>134</sup> Today, a number of factors may reduce casualties. Precision-guided munitions, used to such great military effect in Afghanistan and Iraq, may reduce collateral damage and civilian deaths. The recent U.S. decision to redeploy the 2<sup>nd</sup> Infantry Division from the DMZ to a position south of the Han River would remove this force as a "tripwire" vulnerable to a DPRK attack in the opening hours of any conflict. A decapitation strike against the senior DPRK leadership, such as was attempted against Saddam Hussein to open the Iraq war, may cause disarray in the North Korean ranks and bring an immediate end to the conflict – if it could be accomplished.

Although it is possible these factors may reduce the number of military and civilian casualties, a second Korean War would still be likely to be a humanitarian disaster. The DPRK's behaviour during a war, like so much of its behaviour elsewhere, is difficult to predict. For example, there is no reason to believe that Pyongyang would not use its entire arsenal of WMD, including any nuclear bombs it may have, just because during the Iraq wars Baghdad did not use such chemical and biological weapons as it had in 1991 and may have retained in 2003. Indeed, senior Bush Administration officials are very much aware that the United States has no good military options.<sup>135</sup>

## X. CONCLUSIONS

The key uncertainties and the shortcomings of the policy options highlighted above give pause to any recommended course of action. No policy can guarantee that the United States and those countries sharing its objectives will be able to realise all of them; indeed, some important objectives will likely have to be abandoned or at least deferred. Any policy will contain some risk, including the risk of war. However, the following working assumptions provide a reasonable basis on which to decide among existing options, and point to the phased policy approach recommended below.

### SEVEN WORKING ASSUMPTIONS

First, a diplomatic solution to the nuclear crisis is possible. Both sides have acknowledged this, with President Bush publicly announcing his preference for a peaceful resolution of the crisis, and the DPRK's official statements also indicating a desire for a negotiated outcome.

Secondly, only if all diplomatic means are exhausted will countries in the region consider supporting more forceful alternatives. The United States needs to continue actively shaping the diplomatic environment in Northeast Asia. Washington must closely coordinate its policy with its allies, South Korea and Japan, and China, even though this may constrain U.S. planning and actions. Should diplomacy fail, it must not only be due to DPRK intransigence – it must also *be seen* as due to DPRK intransigence.

Thirdly, better coordination of U.S. policy is needed. President Bush should determine how best to implement American policy, including fleshing out the details of his "bold initiative" and of an inspection regime that would allow the "complete, irreversible and verifiable" dismantlement of the North's nuclear weapons capabilities. While a special coordinator was helpful in the Clinton Administration, particularly given its poor relations with Congress at a critical moment, the differences of opinion in the current Bush Administration are only likely to be resolved at the presidential level.

Fourthly, time is not on the side of the United States. The DPRK is constantly improving its nuclear competence and capabilities. Within

<sup>134</sup> Victor D. Cha and David C. Kang, "Think Again: The Korea Crisis," *Foreign Policy*, May/June 2003, p. 24.

<sup>135</sup> ICG interview with U.S. government official, Washington, D.C., June 11, 2003.

months it may have a half dozen more nuclear weapons; within a few years, it may also have the ability to produce HEU for nuclear bombs and the plutonium for many more. As weak as the North Korean regime may be, there is no evidence that it may collapse in the near future, certainly not before it proliferates further. A patient, long-term strategy of deterrence and containment, like the United States adopted vis-à-vis the Soviet Union during the Cold War, could eventually bring about regime change, but not before the DPRK could do immeasurable harm to the United States and international security.<sup>136</sup>

Fifthly, the single greatest threat posed by the DPRK is its export of fissile material or nuclear bombs to other countries or terrorist groups around the world. Because there is no verifiable, fail-safe way to prevent the DPRK from selling fissile material or fully assembled nuclear bombs, it must be a policy objective that North Korea not separate or produce any additional plutonium or obtain HEU.

Sixthly, public diplomacy is crucial. A diplomatic solution presumes a negotiated give-and-take that would have the DPRK satisfy American security concerns in return for the United States and others satisfying at least some of the DPRK's concerns. How a diplomatic process is sold – whether it is portrayed as “rewarding bad behaviour” or as promoting U.S. and international security, along with global non-proliferation norms – is important for dissuading other countries from thinking they can engage in nuclear blackmail with the United States.

And finally, the best chance for a satisfactory diplomatic solution is to marry closely the diplomatic path with a credible threat to use military force to terminate the DPRK's nuclear capability, by regime destruction if necessary. There is no guarantee that the prospect of military force will compel Pyongyang to abandon its nuclear capabilities, but renunciation of this threat will remove an important incentive. It may be that Kim Jong-il would not prefer a negotiated solution or is not willing to pay the price of the complete dismantlement of the DPRK's nuclear program. In that event the option must be retained of

using military force – whatever the horrendous consequences necessarily involved – to terminate the regime.

## A PHASED APPROACH

These working assumptions suggest in turn that it would be appropriate for the United States, with the support of other key countries, to embrace a four-phase strategy that progresses gradually from negotiation, to sanctions, to the use of military force and regime change if the threat posed by the DPRK becomes sufficiently tangible and it becomes completely impossible to reach a diplomatic solution.

### Phase I: Conditional Security Assurance

As an immediate first step, the DPRK would halt in a verifiable manner all activities at its declared nuclear facilities, especially its 30 MW(t) reactor and reprocessing plant at Yongbyon. This includes accounting for the more than 8,000 spent fuel rods and placing them (or any plutonium that has been separated from this spent fuel) under inspection. The United States and others cannot be expected to negotiate while the DPRK continues to increase its nuclear competence and bargaining leverage. At the same time, the United States would offer what amounts to a conditional security assurance, stating publicly that it would not attack the DPRK or otherwise use force against it while negotiations were taking place. President Bush and other senior Administration officials have stated earlier this year that the United States has no hostile intent towards the DPRK and no intention to invade or attack it. By repeating this assurance in this context, the United States would seek to obtain something tangible in return.<sup>137</sup> If this did not produce the required results, Washington would need to skip the negotiations in Phase II and move to Phase III sanctions.

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<sup>136</sup> The Bush Administration recognises this. On June 18, 2003, Secretary Powell declared that there is “no issue of greater urgency” to the United States than the North's nuclear weapons program. Glenn Kessler, “N. Korea's Nuclear Ambitions Are Urgent Issue, Powell Says,” *Washington Post*, June 19, 2003.

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<sup>137</sup> A plan along these lines has been proposed by US Congressman Curt Weldon. The 10-point Weldon plan would require the U.S. to enter into a one-year non-aggression pact with the DPRK, in exchange for full and unimpeded inspections of the DPRK's nuclear facilities. If both sides fulfilled their commitments during the first year, negotiations for a permanent solution would take place. For full details of the plan (which is silent on what should happen if negotiations should fail at either stage) see Congressman Weldon's website at <http://www.house.gov/curtweldon>.

## Phase II: Time-Limited Negotiations

The United States would agree to engage with the DPRK in negotiations for a limited period of time - for example, six months. The negotiations would be time-bound to hedge against the DPRK's delaying tactics and limit its ability to increase its nuclear capabilities while negotiations proceed. The U.S. would offer North Korea an agreement including the following key elements:

- on the North Korean side, complete, verifiable and so far as possible irreversible elimination of North Korea's nuclear weapons program; and
- on the U.S. side, a pledge not to use nuclear weapons against or otherwise attack North Korea; mutual normalisation of diplomatic relations; a willingness to accept the continued existence of the Kim Jong-il regime; economic support for North Korea, including food and energy assistance through an international consortium; and facilitation of access by North Korea to the international financial institutions.

As Richard Armitage has put it, writing in 1999 before he became Deputy Secretary of State:

The objective of negotiations should be to offer Pyongyang clear choices in regard to its future: on the one hand, economic benefits, security assurances, political legitimization, on the other, the certainty of enhanced military deterrence. For the United States and its allies, the package as a whole means that we are prepared - if Pyongyang meets our concerns - to accept North Korea as a legitimate actor, up to and including full normalization of relations.<sup>138</sup>

The United States would use this negotiating period to reinforce its military position in South Korea in anticipation of failure at the negotiating table and a subsequent increase in tensions, perhaps leading to conflict, on the Korean peninsula. Since Washington would need time in any event to provide these reinforcements before it sought and imposed economic sanctions against the DPRK, the time required for the negotiation phase has little downside. In fact, this display of improved military readiness

and the political determination it conveys would increase the bargaining leverage of American diplomats and improve chances for a negotiated solution to the crisis. The reinforcement need not be in the ROK, which could be seen as needlessly provocative, but rather in the region.<sup>139</sup>

During these negotiations, there likely would be enormous domestic pressures in South Korea and Japan to have the United States make concessions to the DPRK and, if agreement could not be reached, then to assign blame to Washington and reach separate accommodations with Pyongyang. Should these negotiations fail, it is absolutely crucial that the DPRK be responsible for this failure - and be seen as responsible by the other participants and the larger international community. Only in this manner will Washington be able to win the support needed from South Korea, Japan and China for Phase III.

Pyongyang has wanted bilateral negotiations with Washington while the Bush Administration has insisted that discussions take place within a multilateral forum. Both sides seem to have reached a compromise by having China host and attend the meetings in a 'trilateral forum' that has split the difference. There is also the possibility of having bilateral talks on the sidelines of a multilateral forum in the future. The likelihood is that talks will move forward with some combination of both forms. In talks with Chinese Vice Foreign Minister Dai, U.S. officials said in July that they would be willing to meet again in Beijing with Chinese and North Korean officials as long as the session was immediately followed by talks that included South Korea, Japan and possibly Russia.<sup>140</sup>

## Phase III: Sanctions

Should the United States and DPRK be unable to reach agreement within the time specified, Washington would move to Phase III - sanctions. In addition to reinforcing the peninsula during Phases I and II, the United States would have also used this time to work out a sanctions strategy with China, Russia, South Korea and Japan.

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<sup>139</sup> See "In Korea, a quiet U.S. weapons build up." *Christian Science Monitor*, 1 July 2003.

<sup>140</sup> Glenn Kessler. "Proposals to N. Korea Weighed", *Washington Post*, 22 July 2003.

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<sup>138</sup> Richard L. Armitage, op. cit. at footnote 106.

These countries would prefer that the imposition of sanctions be graduated, starting with measures to deny hard currency to North Korea (less controversial if confined to stopping illegal counterfeiting and narcotics trading, more so if embracing remittances from ethnic Koreans in Japan); extending to the interdiction of ballistic missile shipments; and ultimately including suspension of energy supplies and all trade with North Korea. Without the support of the surrounding nations any sanctions approach would fail. In other words, sanctions would need to start with modest steps for a limited period of time, say 30 days, before the imposition of stricter sanctions. This would allow the DPRK to see the collective will of its neighbours and reconsider the diplomatic option it had previously rejected.

There is a precedent. The United States adopted just such a graduated approach after the DPRK had withdrawn the fuel rods from its 30 MW(t) reactor in June 1994.<sup>141</sup> The United States would need to present the countries in the region with a plan under which it would agree to enter into negotiations in exchange for these countries accepting a graduated sanctions plan if North Korea refuses to agree to the verifiable elimination of its nuclear weapons program.

#### **Phase IV: Use of Military Force**

Should North Korea respond to sanctions by taking significant military action, or there be credible evidence of it preparing to use nuclear weapons or transfer them to any third state or non-state entity, the U.S., with the support of the other regional powers, would take such military measures as were necessary and appropriate to respond to the threat in question, not excluding full-scale invasion. It is possible to envision military options short of completely destroying the DPRK. Limited strikes against known nuclear facilities, artillery emplacements along the DMZ, or even decapitation of the North Korean leadership, coupled with an indication that Pyongyang would be spared and held in reserve, might forestall an all-out North Korean response and persuade it to sue for peace. But that would be a hope, not a certainty.

No decision to go to war should ever be taken lightly, and it is inconceivable that it could be in the

case of North Korea. Any military conflict on the Korean peninsula would be a catastrophe, especially for the many civilians in both Koreas. Balanced against this is the prospect of Pyongyang proliferating and supplying other countries and terrorist groups with fissile material and nuclear bombs, making no city in the world safe. If the chances of such harm occurring are real, the military option, however horrifying, must be kept on the table.

#### **THE CASE FOR DIPLOMACY**

The beginning of wisdom is understanding the various dimensions of this issue and the very real obstacles that may prevent its peaceful resolution. It may not be possible for the United States to “get to yes” with the DPRK. For Washington, it would require a rigorous assessment of its objectives, one that would involve assigning priorities and making trade-offs between what is necessary and what is desirable. What is needed within the administration is unity of purpose and, externally, a clear message to the DPRK, key regional actors, Congress, and the American people.

Even with the best intentions on the part of the United States, it may not be possible to reach agreement with the DPRK. It is never easy negotiating with the DPRK on anything.<sup>142</sup> Critics of any negotiated approach can charge that North Korea cannot be trusted and will renege on this deal as it has on all previous ones, that it will never abandon its nuclear ace-in-the-hole, and that the only certain way to eliminate this threat is to eliminate the Kim Jong-il regime. They may well be right.

But whatever the scepticism about the DPRK’s willingness to enter into and keep any nuclear bargain, there can be no doubting the danger to the United States and international community of the current nuclear impasse.<sup>143</sup> Given all that is at stake

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<sup>141</sup> Mazarr, *North Korea and the Bomb*, pp. 159-163; Reiss, *Bridled Ambition*, p. 270.

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<sup>142</sup> See Scott Snyder, *Negotiating on the Edge: North Korean Negotiating Behavior*, (Washington, D.C., 1999); Chuck Downs, *Over the Line: North Korea’s Negotiating Strategy*, (Washington, D.C., 1999); and Sigal *Disarming Strangers*, op. cit.

<sup>143</sup> As General Leon J. LaPorte, Commander of U.S. Forces Korea, testified before the Senate Armed Services Committee in March 2003: “[T]he consequences of events in Korea affect the entire world; continued U.S. presence in Northeast Asia is critical to regional stability; and the Republic of Korea-United States alliance is essential to

– peace and security on the Korean peninsula, regional stability and the future of international efforts to prevent nuclear proliferation – the Bush Administration must make a serious effort at achieving a negotiated, diplomatic solution before it tries any alternative. And the time to make such an effort is right now.

**Washington/Brussels, 1 August 2003**

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regional security.” See also the graphic warning from former Defense Secretary Perry reported in Thomas E. Ricks and Glenn Kessler, “U.S., N. Korea Drifting Toward War, Perry Warns”, *Washington Post*, 15 July 2003.

## APPENDIX A MAP OF THE KOREAN PENINSULA

### Korean Peninsula





## APPENDIX B

### TEXT OF THE AGREED FRAMEWORK

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#### AGREED FRAMEWORK BETWEEN THE UNITED STATES OF AMERICA AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Geneva, October 21, 1994

Delegations of the Governments of the United States of America (U.S.) and the Democratic People's Republic of Korea (DPRK) held talks in Geneva from September 23 to October 21, 1994, to negotiate an overall resolution of the nuclear issue on the Korean Peninsula.

Both sides reaffirmed the importance of attaining the objectives contained in the August 12, 1994 Agreed Statement between the U.S. and the DPRK and upholding the principles of the June 11, 1993 Joint Statement of the U.S. and the DPRK to achieve peace and security on a nuclear-free Korean Peninsula. The U.S. and the DPRK decided to take the following actions for the resolution of the nuclear issue:

- I. Both sides will cooperate to replace the DPRK's graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants.
  - 1) In accordance with the October 20, 1994 letter of assurance from the U.S. President, the U.S. will undertake to make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.
    - The U.S. will organize under its leadership an international consortium to finance and supply the LWR project to be provided to the DPRK. The U.S., representing the international consortium, will serve as the principal point of contact with the DPRK for the LWR project.
    - The U.S., representing the consortium, will make best efforts to secure the conclusion of a supply contract with the DPRK within six months of the date of this Document for the provision of the LWR project. Contract talks will begin as soon as possible after the date of this Document.
    - As necessary, the U.S. and the DPRK will conclude a bilateral agreement for cooperation in the field of a peaceful uses of nuclear energy.
  - 2) In accordance with the October 20, 1994 letter of assurance from the U.S. President, the U.S., representing the consortium, will make arrangements to offset the energy foregone due to the freeze of the DPRK's graphite-moderated reactors and related facilities, pending completion of the first LWR unit.
    - Alternative energy will be provided in the form of heavy oil for heating and electricity production.
    - Deliveries of heavy oil will begin within three months of the date of the Document and will reach a rate of 500,000 tons annually, in accordance with an agreed schedule of deliveries.

- 3) Upon receipt of U.S. assurances for the provision of LWR's and for arrangements for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities.

-- The freeze on the DPRK's graphite-moderated reactors and related facilities will be fully implemented within one month of the date of this Document. During this one-month period, and throughout the freeze, the International Atomic Energy Agency (IAEA) will be allowed to monitor this freeze, and the DPRK will provide full cooperation to the IAEA for this purpose.

-- Dismantlement of the DPRK's graphite-moderated reactors and related facilities will be completed when the LWR project is completed.

-- The U.S. and the DPRK will cooperate in finding a method to store safely the spent fuel from the 5 MW(e) experimental reactor during the construction of the LWR project, and to dispose of the fuel in a safe manner that does not involve reprocessing in the DPRK.

- 4) As soon as possible after the date of this document U.S. and DPRK experts will hold two sets of experts talks.

-- At one set of talks, experts will discuss issues related to alternative energy and the replacement of the graphite-moderated reactor program with the LWR project.

-- At the other set of talks, experts will discuss specific arrangements for spent fuel storage and ultimate disposition.

## II. The two sides will move toward full normalization of political and economic relations.

- 1) Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions.
- 2) Each side will open a liaison office in the other's capital following resolution of consular and other technical issues through expert level discussions.
- 3) As progress is made on issues of concern to each side, the U.S. and the DPRK will upgrade bilateral relations to the Ambassadorial level.

## III. Both sides will work together for peace and security on a nuclear-free Korean peninsula.

- 1) The U.S. will provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the U.S.
- 2) The DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.
- 3) The DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue.

## IV. Both sides will work together to strengthen the international nuclear non-proliferation regime.

- 1) The DPRK will remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and will allow implementation of its safeguards agreement under the Treaty.

- 2) Upon conclusion of the supply contract for the provision of the LWR project, ad hoc and routine inspections will resume under the DPRK's safeguards agreement with the IAEA with respect to the facilities not subject to the freeze. Pending conclusion of the supply contract, inspections required by the IAEA for the continuity of safeguards will continue at the facilities not subject to the freeze.
- 3) When a significant portion of the LWR project is completed, but before delivery of key nuclear components, the DPRK will come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), including taking all steps that may be deemed necessary by the IAEA, following consultations with the Agency with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK.

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Robert L. Gallucci  
Head of Delegation of  
the United States of America,  
Ambassador at Large of the  
United States of America

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Kang Sok Ju  
Head of the Delegation of  
the Democratic People's  
Republic of Korea,  
First Vice-Minister of  
Foreign Affairs of the  
Democratic People's Republic of Korea

## APPENDIX C

### ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 90 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, Moscow and Paris and a media liaison office in London. The organisation currently operates twelve field offices (in Amman, Belgrade, Bogota,

Islamabad, Jakarta, Nairobi, Osh, Pristina, Sarajevo, Sierra Leone, Skopje and Tbilisi) with analysts working in over 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Georgia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, the whole region from North Africa to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, The Netherlands, Norway, Sweden, Switzerland, the Republic of China (Taiwan), Turkey, the United Kingdom and the United States.

Foundation and private sector donors include Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, Henry Luce Foundation Inc., John D. & Catherine T. MacArthur Foundation, John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, Ruben & Elisabeth Rausing Trust, Sasakawa Peace Foundation, Sarlo Foundation of the Jewish Community Endowment Fund, the United States Institute of Peace and the Fundacao Oriente.

**July 2003**

## APPENDIX D

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\*\* The Algeria project was transferred to the Middle East & North Africa Program in January 2002.

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\* The Algeria project was transferred from the Africa Program to the Middle East & North Africa Program in January 2002.

## APPENDIX E

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