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The New U.S. Administration and the North Korean Nuclear Issue

**Strategy for Solving the North Korean Nuclear Crisis
and the Future of Six-Party Talks:
U.S. Policy for 2005**

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Introduction:

Secretary of State Colin Powell Secretary of State Colin L. Powell traveled to Japan, the Peoples Republic of China, and the Republic of Korea from October 22 to October 26, 2004. According to the State Department, the purpose of the trip was to hold discussions with senior officials in the three countries on bilateral matters, regional security and stability, and issues such as the global war on terrorism, Iraq, North Korea and the Six Party Talks. In Beijing, Chinese Foreign Minister Li Zhaoxin said, "The Korean nuclear issue is complicated and demands patience, flexibility and congeniality from the parties concerned. We wish the US side would go further to adopt a flexible and practical attitude on the issue."² In Seoul, ROK Foreign Minister Ban Ki-moon said he proposed that all countries involved develop a "more creative and realistic" offer to encourage the North to return to the negotiating table and said Powell also "agreed to this." Powell did not make a direct comment about Ban's remarks, but later suggested he disagrees with what Ban said. *Yonhap* reported that Powell said, "We have a good proposal on the table. We modified it for the third round of six-party talks, showed flexibility and tried to accommodate the interests of other parties, the way to move forward is to have the next round of six-party talks, so that we can discuss that proposal and not have a negotiation with ourselves in

¹ This paper is presented as a prescription for a policy that the United States should undertake in order to resolve the continuing security problems that have beset the United States and the DPRK and not just the current nuclear crisis. Given the results of the November 2, 2004 U.S. Presidential election, it is unclear that a second Bush administration would be willing or capable of adopting the suggestions contained in this paper. In that regard, this paper does not attempt to conform policy recommendations to the probability of acceptance by a second Bush administration.

² *Xinhuanet* Beijing, Oct. 25

a press conference." ³

What is clear is that the major players in the Six-Party process are not satisfied with the direction and position that the United States has taken regarding the current nuclear crisis.⁴

An Evaluation:

It has been two years since the Bush administration first confronted North Korea over its secret Highly Enriched Uranium program. Since then the administration has steadfastly insisted on a strictly multilateral approach to resolving this most recent nuclear crisis.

Two years is long enough to make an objective evaluation of President Bush's approach to resolving the crisis. Any accounting of what has happened begins first with the acknowledgement that it is North Korea that is ultimately responsible for having violated its freeze on its nuclear weapons program and having withdrawn from the Nuclear Nonproliferation Treaty. What is at stake here is whether or not the United States policy toward North Korea has worked and whether or not the American people and the people of Northeast Asia are safer now as a result of it.

The Clinton administration is both credited and vilified for having negotiated the 1994 Agreed Framework that froze the existing North Korean nuclear program. In an interview with CNN's Mike Chinoy during his trip recent trip to Asia, Secretary Powell defended the multilateral (at the exclusion of bilateral contact) process:

"We've seen what happens when we have direct talks with North Korea. By entering an agreement as they did in 1994. Capping a nuclear weapons program at Pyongyang, but not getting rid of it, a plutonium program. And while everybody was watching this capped program, they were off developing another way of producing a nuclear weapon. So we have seen this scheme before. And we decided that a better approach was to involve North Korea's neighbors. Why shouldn't they be involved? Why shouldn't it be multilateralize this? Are they not at a greater risk than the United States from a nuclear North Korea? The answer is yes. They agreed. They all came into the six party framework. And So everything that North Korea is asking for – security guarantees, assistance - all of this is achievable through the six party framework and frankly, I would argue to

³ *Yonhap*, Seoul, Oct. 26

⁴ In the aftermath of the Powell trip, ROK officials were quick to point out that the differences between Washington and Seoul were not great. In diplomatic circles, this response is not only normal, but expected. It also does not change the underlying concerns expressed publicly and privately by Beijing and Seoul.

the North Koreans that they're better off getting a security agreement from all of its neighbors and the United States, as opposed to just from the United States, And, they're better off working to get assistance from all of its neighbors and the United States, and not just the United States. The North Koreans desperately want to make this a U.S.-North Korean problem to see what else they can ask us for, to pay them, to reward them for their misbehavior. And we have chosen not to do that, not to get caught in their trap again. We need a situation where they are going to get rid of their weapons- the whole program and every aspect of the program -in a complete and verifiable manner, and we will provide the security assurances that they are looking for and they will also benefit economically. And I hope they will eventually come to the conclusion that it is in their interest to do this.”⁵

But the fact remains that under the Agreed Framework North Korea's nuclear program was continuously monitored by International Atomic Energy Agency inspectors and its potentially dangerous plutonium-laden spent fuel was under seal and likewise monitored. Prior to the Agreed Framework (and before the Clinton administration) it was believed that North Korea had extracted enough plutonium to build one or two nuclear weapons. The Agreed Framework put an end to Pyongyang's active nuclear weapons program as it existed then and for eight years North Korea's potential nuclear weapons count remained at one or two.

All that changed after October 2002 when the United States confronted North Korea over a separate Highly Enriched Uranium (HEU) program that was not yet producing weapons-grade nuclear material. In response to what the U.S. believed to be an admission by North Korea of the HEU program, the U.S. led its Agreed Framework partners, Japan, South Korea and the EU, in suspending the delivery of Heavy Fuel Oil organized by the Korean Peninsula Energy Development Organization (KEDO) – part of our obligation in exchange for the North Korean freeze of its nuclear program.

In response, North Korea kicked out the IAEA inspectors in December 2002 effectively ending international control and supervision of the nuclear weapons freeze. Pyongyang then restarted its nuclear reactor and reprocessed 8000 spent fuel rods, claiming to extract enough plutonium for an additional six nuclear weapons by the end of June 2003. As recently as September 2004 a North Korean vice minister publicly stated that Pyongyang had weaponized the plutonium from the reprocessed spent fuel.

It is in light of these developments -- the removal of international monitors, withdrawal

⁵ Interview With Mike Chinoy of *CNN International TV*, October 25, 2004

from the NPT, the restarting of nuclear reactor, the reprocessing of the spent fuel and extraction of plutonium, and the claim of weaponization -- that the President's policy should be measured.

The purpose of the multilateral approach has been to energize the regional players that are most affected by North Korea's current nuclear weapons activities to apply collective pressure and offer collective solutions in a diplomatic and peaceful context. The most positive benefit to come of the Six Party process has been the consultation and coordination among the parties. It is, however, not a new phenomenon. During the Clinton administration a Four Party process was initiated involving China, the United States, North and South Korea. That process ultimately failed after a series of meetings more robust and more frequent than the current stalled Six Party process. Without reasonable progress, as measured by each of the participating members of the process (and that includes the DPRK), the Six Party talks could fail in the same manner as the Four Party process failed.

The Six Party process is at a temporary stalemate and probably will resume in earnest early next year and would have regardless of who won the U.S. presidential election. But an evaluation at the two-year anniversary of the current crisis suggests that the multilateral approach alone is not working. It has not succeeded in slowing, let alone reversing North Korea's nuclear weapons program. Rather than having perhaps two pre-Agreed Framework nuclear weapons and a frozen nuclear program under international monitoring, North Korea today may have eight nuclear weapons and an uncontrolled plutonium and uranium weapons program that continues unabated. The prospect of the multilateral approach succeeding any time soon is exceedingly low. And North Korea continues to develop WMD.

The Bush administration should have conducted its own evaluation of its North Korea policy and asked the simple question: is America safer today as a result of its exclusively multilateral policy? The results of the U.S. presidential election on November 2nd gives the United States a renewed opportunity to put in place a policy that has a chance to succeed. Something that our dialogue partners have been urging us to do.

As President Bush puts in place his national security team for his second term, there will

be a natural opportunity for reflection on the current North Korea policy and even more natural tendency for these new players to provide the President their best advice on how to “adjust” the policy. As these new players conduct their own mini-review of U.S. policy toward North Korea, there are key assumptions, strategic considerations, policy objectives, and strategy that should guide the formulation of the policy advice they provide to the President in his second term and that should form the basis of United States policy for 2005.

Timeless Assumptions:

On 1 August 2003, the International Crisis Group (ICG) published a report, “North Korea: A Phased Negotiating Strategy.” One of the primary authors, Mitchell B. Reis, was appointed Director of the Department of State’s Policy Planning Staff on 21 July 2003, a position equivalent in rank to an assistant secretary but with direct access to the Secretary of State. In the report, seven working assumptions were identified:

- “First, a diplomatic solution to the nuclear crisis is possible.
- Secondly, only if all diplomatic means are exhausted will countries in the region consider 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. ...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.
- Fifthly, the single greatest threat posed by the DPRK is its exports of fissile material or nuclear bombs to other countries or terrorists groups around the world. Because there is no verifiable, fail-safe way to prevent the DPRK from selling fissile material or fully assembled 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.

- And finally, the best chance for a satisfactory diplomatic solution is the 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.”⁶

With little modification, these assumptions remain valid as the United States takes stock of its North Korea policy in the aftermath of the presidential election. In hindsight, it's unclear why the Bush Administration did not fully appreciate the assumptions and the consequences they had on policy implementation given the important position and role of Mitchell Reis at the beginning of the Six Party process in 2003.

Strategic Considerations:

In the aftermath of the presidential election, the United States has the opportunity to review the nature of the threat that North Korea presents and the possibility of a more sweeping resolution to problems that have plagued the peninsula for the last fifty years. That requires the United States to look beyond the current nuclear crisis and seek a more comprehensive settlement of the Korean Peninsula problem, with the first step being the resolution of the nuclear problem. Nuclear resolution becomes an effective “benchmark” to measure progress (or even the ability) to move toward a more robust normal relationship with North Korea.

The United States should encourage other Six Party partners to provide any aid and grants that might be agreed upon as part of a resolution of the nuclear problem in the form of infrastructure improvements that will promote economic reforms and assist in the long-term transition toward reunification with as little disruption to the ROK standard of living as possible. Any United States-sponsored benefits should match North Korean steps. If Pyongyang insists on a reversible step, U.S. benefits likewise should be potentially reversible.

The post-election U.S. policy toward North Korea should be articulated to Pyongyang in a timely fashion, clearly showing the end result of what we are prepared to support in exchange

⁶ IGC Asia Report No. 61; Washington/Brussels, 1 August 2003.

for fundamental change to the current confrontation and tension we see on the peninsula. The goal of this broad approach to North Korea would seek the replacement of the armistice with a permanent peace mechanism and resolution of the nuclear crisis. The United States would be prepared to normalize diplomatic relations, support North Korean access to International Financial Institutions, pledge non-interference in economic joint ventures, remove the DPRK from the State sponsor of terrorism list, remove the remaining economic sanctions, participate in energy assistance and agree to a multilateral security guarantee. North Korean commitments beyond getting out of the nuclear weapons (WMD) business permanently would be to take actions commensurate with the replacement of the Armistice: reductions and readjustments to its conventional and chemical force structure and open a dialogue on human rights concerns.

In developing the 2005 approach to North Korea, the second Bush administration needs to enhance its consultation process with allies. These consultations leading to the development of a renewed strategy for dealing with North Korea should be guided by the following general principles:

- 1) Honor Seoul's national interest in peace and stability on the peninsula;
- 2) Support reunification at the pace and timing of Seoul's choosing;
- 3) Until reunification, be prepared to deal with North Korea as is without attempt to change/remove the regime (other than through exposure to international norms);
- 4) The U.S. should be willing to establish normal diplomatic relations with North Korea on the assumption that the security threat posed by Pyongyang's nuclear program is peacefully and timely (undefined) resolved, making clear to allies that a nuclear North Korea is not an acceptable option for the U.S. or should it be for the region.
- 5) The U.S. will make its best efforts to seek diplomatic solutions, but if in the end North Korea is unwilling to accept a coordinated, reasonable negotiated outcome, the U.S.

cannot accept a new status quo involving a nuclear North Korea. The U.S. will work on contingency plans that are gradual but clearly escalatory in nature to force North Korean compliance with our non-nuclear requirements for the peninsula.

Policy Objectives:

- Establish the transfer of WMD (and related technology) as a clear redline.
- Establish clear policy objective vis-à-vis a nuclear North Korea: the permanent possession of nuclear weapons by North Korea is not acceptable. The U.S. will do everything within its power to resolve the issue diplomatically and peacefully, but we will not in the end settle on a new status quo in Northeast Asia with a nuclear North Korea. The U.S. will energize the Six Party process through close coordination with allies and understanding of other participants to arrive at a shared negotiating strategy that includes assigned roles and responsibilities among the parties. A goal of the early stages of the six party talks in 2005 will be to determine as quickly as possible Pyongyang's actual willingness to accept reasonable proposals (done in a creative and imaginative manner) to give up its nuclear program. The going in assumption should be that a negotiated settlement is possible and it is up to North Korea to prove otherwise.
- The U.S. should concurrently prepare contingency plans if it appears that North Korea is unwilling to negotiate a settlement. The contingency planning should be coordinated with allies and based on a principle of moving from softer (reversible) to harder phases with each phase designed to have a “re-entry ramp” that leads back to a negotiated settlement. (As North Korea begins to see the determination of the administration to resolve the issue, preferably through negotiations, but ultimately by all means at its and its allies disposal, it should always have a door open to resume negotiations with as little loss of face as possible). This concurrent contingency planning requires that all parties involved in the negotiations believe the United States has comported itself in the best manner possible, has listen to advice, gone the extra mile to incorporate constructive ideas and has exhausted all diplomatic tools available before moving in gradual fashion toward a more coercive “Plan B.”

Part of the strategy in the bilateral and multilateral process should be to convince North Korea that they are less secure with nuclear weapons; that the survival of the regime and the well being it seeks through its embryonic economic reforms initiated in July 2002 are best supported through a non-hostile relationship with the United States and others in the region.

Washington should prioritize the nuclear threat. Reversing the plutonium program is far more important than resolving the HEU problem in the near-term. Simultaneous resolution is desirable, but the U.S. should not risk losing an opportunity to put the “plutonium genie” back in

the bottle as soon as possible.

The Strategy:

Maintaining the Six Party format as the final approval authority of a resolution makes sense, but it has proven insufficient to actually reach a timely resolution and has been too narrowly focused on just the nuclear issue. As a complementary component of the Six Party process, the United States must enter into a serious and sustained bilateral dialogue with Pyongyang. All of the other Six Party participants have urged us to do so for two years. Time is not on our side. While process is important, substance is far more important. Over the past two years during the Six Party “process” the DPRK has continued its scientific and technical advancements in both its nuclear weapons and missile programs.

As the United States begins to shape what may ultimately result in a resolution to the crisis in its complementary negotiations with North Korea under the auspices of the Six Party process, it would continue to consult with our close allies South Korea and Japan. Washington’s coordinated policy approach to North Korea would be enhanced by Tokyo and Seoul’s own bilateral meetings with Pyongyang. To ensure the multilateral nature of the end result remains viable, actual decisions reached on a tentative (ad ref) basis between the United States and North Korea would be fully vetted and approved in final form in a Six Party setting. This arrangement would maintain the active participation by all parties and ensure an international component in the dismantlement and verification of the North’s nuclear program. It would also create international ownership in the implementation of security guarantees and economic assistance that might be agreed upon as part of the final settlement.

Conclusion:

As mentioned in the first footnote, this paper does not attempt to conform policy suggestions to what a second Bush administration is likely to accept, but rather what the United States should consider as a course of action for success in dealing with North Korea. The

continued influence of Vice President Cheney on North Korea policy suggests that policy adjustments that are made in the second Bush term will be relatively narrow in scope. That said, the new national security team should approach its review with as open a mind as possible.

The U.S. presidential election is behind us. President Bush will lead the United States for the next four years. He faces many challenges, but none more dangerous than the situation in North Korea.