

Policy Forum 08-078: Delisting North Korea



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By Victor Cha

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I. Introduction

Victor Cha, Director of Asian studies at Georgetown University and a Senior Fellow at the Pacific Council, writes, "if North Korea keeps its word, John McCain or Barack Obama should inherit a situation in which U.S. and international nuclear experts are on the ground in North Korea learning more about Kim Jong Il's nuclear secrets while slowly disabling and degrading his nuclear capabilities."

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II. Article by Victor Cha

- "Delisting North Korea"

By Victor Chak

Many will criticize the Bush administration's decision to remove North Korea from the terrorism blacklist last weekend, over the objections of close U.S. ally Japan, as a Hail Mary pass by an administration desperate for good news. Did President Bush, reeling from the U.S. financial meltdown and still struggling to achieve success in Iraq, finally relent to North Korean saber rattling and prematurely "delist" a country he once deemed part of the "axis of evil"? Perhaps so. But other factors may have been at play in this controversial decision. In any case, a McCain or Obama administration is likely to reap the benefits of this move.

The optics are terrible: The delisting comes after two weeks of North Korean missile tests and good doses of fiery rhetoric. Pyongyang has ejected international inspectors from previously locked-down nuclear facilities. Agreeing to anything right now with North Korea's almost certainly stroke-stricken leader looks like surrender. In this regard, chief U.S. negotiator Christopher Hill's last-ditch attempt to break the logjam reflects a fundamental dilemma the United States faces in implementing agreements reached during talks with North Korea, South Korea, Japan, China and Russia.

Continually, the United States confronts the issue of "relative reasonableness." Every agreement in the six-party process is negotiated with painstaking care; parties hammer out specific quid pro quos, timelines and the synchronization of steps, with concomitant rewards and penalties. Yet sooner or later, Pyongyang demands more than it was promised or does less than it should. While everyone accepts that North Korea is being unreasonable, they also realize that a failure of the agreement could mean the failure of the talks and the precipitation of another crisis.

At the core of the current impasse, for example, was the North's spurious claim that its June nuclear declaration was sufficient for it to be taken off the blacklist and that verification of the declaration was not part of the deal. As former deputy negotiator for the U.S. delegation to the six-party talks, I can attest that the North Koreans fully understood our need for verification as far back as the September 2005 joint statement (the road-map agreement) and the February 2007 "first phase" and October 2007 "second phase" implementation agreements, as did the other participants. Yet while all express outrage at Pyongyang's petulance when it reneges on agreements, the parties end up pressing the United States -- knowing full well that the North is at fault and is traversing the bounds of fairness and good faith but certain that the only chance of progress lies in American reasonableness. That almost certainly was a factor here. The result is that any additional American flexibility is widely perceived in the region as evidence of American leadership (except, perhaps, in Tokyo) but is viewed in Washington as some combination of desperation and weakness.

In return for being taken off the blacklist, the North has apparently agreed to immediately resume disablement of its bomb-making facilities. That is hardly enough. It has also agreed to allow inspection of its declared nuclear sites and to allow some "scientific procedures" (i.e., sampling of materials) to be done by experts from the other five parties, including Japan and South Korea. Provisions apparently exist for interviewing scientists and reviewing documentation. Inspections, sampling, interviews and documentation are the four key elements of any decent verification scheme.

There are still some rather big loopholes in this agreement. Access to undeclared sites is possible

only with mutual consent. And Pyongyang's uranium-based nuclear activities and its proliferation connections with Syria are said to be covered by the scope of the agreement, though ambiguities remain. Moreover, none of this is set in stone until the six parties codify the understandings reached in Pyongyang -- and even then, who is to say the North won't renege again in the future?

Nonetheless, with this agreement, Bush is likely to leave his successor the remnants of a workable nuclear disablement process rather than a full-blown crisis. The North was plummeting down a path of missile and nuclear tests. The arresting of this process is hardly consolation to those who believe we should end the charade of trying to negotiate away North Korean weapons and instead resort to financially strangling the regime, especially as its leader is in poor health. But undermining the regime is costly, and a Libya-type wholesale disarmament is not a viable option as Bush's time in office winds down.

In the meantime, if North Korea keeps its word, John McCain or Barack Obama should inherit a situation in which U.S. and international nuclear experts are on the ground in North Korea learning more about Kim Jong Il's nuclear secrets while slowly disabling and degrading his nuclear capabilities. In this regard, Bush's decision was not a Hail Mary -- it was another yard gained in a slow ground game.

III. Nautilus invites your responses

The Northeast Asia Peace and Security Network invites your responses to this essay. Please send responses to: napsnet-reply@nautilus.org . Responses will be considered for redistribution to the network only if they include the author's name, affiliation, and explicit consent.

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