

Policy Forum 08-015: Hardliners Target Détente with North Korea

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Hardliners Target Détente with North Korea

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By Suzy Kim and John Feffer
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I. Introduction

Suzy Kim, former international secretary of MINKAHYUP Human Rights Group in Seoul, Korea, and a visiting assistant professor of East Asian Studies at Oberlin College, and John Feffer, co-director of Foreign Policy In Focus at the Institute for Policy Studies, write, "What's at stake is an end to more than half a century of hostilities in U.S.-North Korea relations, 20 million North Korean lives, and a peaceful and prosperous East Asia. The United States has to commit to the long haul. It's time to give engaged diplomacy a chance."

The views expressed in this article are those of the author and do not necessarily reflect the official policy or position of the Nautilus Institute. Readers should note that Nautilus seeks a diversity of views and opinions on contentious topics in order to identify common ground.

II. Article by Suzy Kim and John Feffer

- "Hardliners Target Détente with North Korea"

By Suzy Kim and John Feffer

The Bush administration's approach to North Korea was once quite consistent with its overall foreign policy. There was name-calling, a preference for regime change, and an emphasis on military solutions. Not surprisingly, then, the relationship between the United States and North Korea, like so many other tense stand-offs, deteriorated over the last seven years. The United States accused the third member of the "axis of evil" of money-laundering, missile sales, and a secret program for the production of nuclear material. For its part, North Korea responded tit for tat at the rhetorical level. And, in October 2006, it upped the ante by exploding a nuclear device. If the United States were not tied up in other military conflicts, and eyeing Iran to boot, a war in Northeast Asia might have been higher on the administration's to-do list.

But all of that appeared to change in 2007. Chastened by military failures in Iraq and Afghanistan, anxious about the vulnerability of the Republican party on foreign policy issues in 2008, and accused of having allowed North Korea to "go nuclear" on its watch, the Bush administration reversed its hard-line policy. Washington agreed to negotiate seriously with Pyongyang, provide it with incentives on the road to denuclearization rather than only at the end of the process, and meet face to face when necessary.

The results of this turnabout were dramatic. The February 13, 2007 agreement in the Six Party Talks - among the United States, the two Koreas, Japan, China, and Russia - not only illuminated a path toward a denuclearized Korean peninsula. It also outlined steps toward the normalization of political relations with Pyongyang, a replacement of the Korean War armistice with a peace treaty, and the building of a regional peace structure for Northeast Asia.

Many conservatives were aghast that the Bush administration, after six years of ABC (Anything But Clinton), was essentially exhuming the Clinton administration's engagement policies toward North Korea. From their perspective, the Six Party Talks were only supposed to be a holding pattern until the regime in Pyongyang finally collapsed through a combination of outside pressure and internal weakness. When the Six Party Talks instead produced a breakthrough agreement, former U.S. ambassador to the United Nations John Bolton denied any achievement and declared, "I think the six-party talks failed." He then recycled his earlier position: "I think the only solution is the enhanced isolation of North Korea, ultimately bringing the regime down and peacefully reuniting the peninsula."

So far in 2008, progress toward implementing last year's February 13 agreement has slowed. North Korea has begun shutting down its Yongbyon plutonium facilities and readmitted inspectors, and the United States has sent about 50,000 tons of heavy fuel oil and 5,000 tons of steel products for its power plants. Nevertheless, disagreements remain. North Korea missed the first deadline for delivering a complete declaration of its nuclear program, and a second one looms at the end of February. Meanwhile, the United States has yet to remove the country from the list of state sponsors of terrorism. Even if these hurdles are cleared, several more remain. It is not yet clear whether North Korea will entirely give up its nuclear deterrent or whether the United States will remove all economic sanctions and extend diplomatic recognition.

The fragile *détente* between North Korea and the United States might succumb to its internal challenges. But hard-line opponents don't want to leave it to chance, and so are marshalling their arguments to strangle this hopeful development in its cradle.

Criticisms of engagement policy fall into several categories. Some critics, like Bolton, continue to hold onto the old Bush strategy of isolation and regime change because, they argue, North Korea cannot be trusted to abide by any agreement. Other critics focus on North Korea's nuclear program itself, both its internal characteristics and purported external cooperation with countries such as Syria. A third set of criticisms focuses on the February 13 agreement itself and identify flaws, ambiguities, and blind spots, particularly around the question of verification. Another group focuses instead on North Korea's human rights record. And finally there are conservative critics in Japan and South Korea who are attempting to undermine *détente* from the sidelines.

In short, the negotiators trying to implement the agreements reached in the Six Party Talks face a host of internal and external challenges. The hard-line criticisms can be addressed. But it's not certain whether engagement supporters in Washington or in Pyongyang have sufficient political capital to push the process forward in 2008.

The Nuclear Challenge

North Korea's nuclear program has long been a mystery. It's never been clear how much fissionable material the country has produced. Although the country froze its plutonium facilities as part of the 1994 Agreed Framework, it is unclear how much time and resources it devoted to pursuing a second path to a bomb, namely highly enriched uranium (HEU). Even the October 2006 nuclear test remains a puzzle. Some experts have declared it a failure, while others speculate that North Korea succeeded with a low-yield experiment.

For a small and relatively weak country, mystery can be very useful, and North Korea has been reluctant to disarm itself of such a weapon. The current conflict over the country's declaration of the full extent of its nuclear program is a case in point. North Korea claims that it already provided full information in November, in advance of the December 31 deadline. But the United States is not satisfied with the amount of plutonium that North Korea has declared or with the government's contention that it never set up a HEU program.

These points are negotiable. The amount of plutonium that North Korea has reportedly declared - 30 kilograms - is at the low end of U.S. estimates, so this is well within negotiable range. Getting agreement on the amount of reprocessed plutonium in North Korea's hands involves some massaging of the numbers, which is what happened in 1994 as well. The HEU program, meanwhile, is more a matter of saving face than dismantling a viable program. The Bush administration wants to demonstrate that its 2002 accusations, which derailed the 1994 Agreed Framework, had some merit. North Korea, however, wants to demonstrate that it did not violate the spirit of that agreement. Both sides have moved closer to agreement. The U.S. government has already admitted that its initial estimates were exaggerated. And experts suggest that evidence of uranium residue in aluminum tubes that North Korea provided to investigators, which would suggest actual enrichment, is the result of contamination from Pakistani material. Christopher Hill has all but admitted that North Korea didn't use these tubes for uranium enrichment.

Syria Connection

What might not be negotiable, however, is the Syria connection, which hardliners have seized on to prove that North Korea remains an incorrigibly rogue power.

In early September, the U.S. media reported on Israeli military strikes against Syria that destroyed what might have been a nuclear facility. Some reports suggested that the facility had been built with North Korean assistance and that North Korean engineers had even died in the bombing. If the media reports were correct, North Korea had crossed the critical red line established by the Bush administration (after Pyongyang crossed the earlier red line when it tested a nuclear weapon). And yet, the Bush administration didn't raise a fuss at all. It instead allowed the State Department to go about its business. With hardliners like Bolton and the State Department's senior arms control and security official Robert Joseph no longer on the inside, the State Department has had more maneuvering room to pursue an engagement policy.

But congressional opponents of engagement certainly raised a fuss about the purported Syria connection. "We regret that the administration has ignored numerous letters from Congress asking that all members be briefed on the Israeli airstrike," wrote Peter Hoekstra (R-MI) and Ileana Ros-Lehtinen (R-FL) in *The Wall Street Journal*. "Failing to disclose the details of this incident to the legislative branch, preventing due diligence and oversight -- but talking to the press about it -- is not the way to win support for complex and difficult diplomatic efforts to combat proliferation by rogue nations." The congressional representatives cautioned the administration not to move forward on any agreements with North Korea until this matter was cleared up.

The Syria connection remains sufficiently mysterious that engagement opponents will be able to exploit it at any point when it seems that détente is moving forward. As Bolton has put it, "The idea of North Korea for years engaged in cloning Yongbyon in Syria (or anywhere else -- Burma, for instance) should be a fire bell in the night."

But the notion that any country would be interested in a clone of Yongbyon is quite farfetched. After all, North Korea's facility is itself based on a rather old English model - the Calder Hall design - and Syria could just as easily have skipped North Korea and gone back to the original. That is, if Syria were in fact building a nuclear plant, which is still not verified. As Seymour Hersh reports in *The New Yorker*, a former senior U.S. intelligence official with access to the current intelligence says that "We don't have any proof of a reactor -- no signals intelligence, no human intelligence, no satellite intelligence."

Bolton slips in a sly suggestion that North Korea is cloning Yongbyon elsewhere. In briefings with its Asian allies in early 2005, the United States similarly accused North Korea of providing Libya with uranium hexafluoride. But it turned out that the U.S. government had misled its allies. North Korea had provided the material to Pakistan, which already has a nuclear program, a business transaction that the United States had known about for years.

As such, there still remains no evidence that North Korea is engaged in nuclear proliferation, whether in Syria or elsewhere. North Korea is certainly short of cash, and nuclear know-how and materials are valuable commodities. But no one knows the true marketability of North Korea's program, and certainly it would pale in comparison to what North Korea could earn from giving up its nuclear program wholesale.

Trust, Then Verify?

If North Korea provides a declaration of its nuclear programs that U.S. negotiators can live with, and the United States then proceeds to remove the country from the state sponsors of terrorism list, the process moves on to the next level. At that point, North Korea is supposed to submit to a more intrusive inspection regime and begin to give over all of its nuclear material.

Opponents of engagement are readying their arguments, and they largely focus on the question of

verification. The Heritage Foundation's Bruce Klingner, for instance, compares the verification protocols from the Cold War with what is being proposed in the Six Party Talks and finds them wanting.

"To verify the extent of North Korean plutonium production, inspectors must be allowed to conduct short-notice challenge inspections of suspect sites as well as to take samples of fissile material," he writes. "North Korea's refusal in 1992-1993 to allow the International Atomic Energy Agency to access two suspect nuclear sites precipitated the first nuclear crisis. The agency has never gained access to the sites."

In fact, during the lead-up to the first nuclear crisis in the early 1990s, North Korea allowed an initial inspection by Hans Blix of the International Atomic Energy Agency and produced a 150-page document detailing its uranium mining sites and nuclear power plants. "It turned out that the North Korean list closely matched Western estimates of the scope of its nuclear program," writes Michael Mazarr in his study, *North Korea and the Bomb*. True, North Korea refused to allow the IAEA to visit the two suspect sites, claiming that they were conventional military facilities. But the real problem was that after allowing six IAEA inspections and providing the detailed list of its programs, North Korea hadn't gotten anything out of the deal: "no economic aid or investment, no broader political contacts with Washington or Seoul or Tokyo, not even the ability to verify that U.S. nuclear weapons had been withdrawn from the South," Mazarr concludes.

The current demand that North Korea submit to an intrusive inspection regime as a precondition for moving forward with engagement recapitulates this earlier conflict.

Before it throws open its mostly highly secretive sites, North Korea wants some sign that its longstanding enemies - the United States, Japan, and South Korea - have changed their adversarial policies. South Korea has largely done so. But the United States has only sent over some heavy fuel and rescued a few North Korean sailors who were attacked in the Red Sea by pirates. Japan, still obsessed with the abduction issue, has shown no sign of changing tack.

The verification procedures that the Agreed Framework established are still applicable to the dismantlement of the Yongbyon facility. They worked during the 1990s, and there is no reason to doubt that they will work again. Expanding verification to short-notice inspections of all suspect sites throughout the country can only be achieved through give-and-take negotiations and the building of trust, not through fiat.

Human Rights

If negotiators manage to settle all the outstanding disputes over the nuclear issue, other stumbling blocks loom. Perhaps the most vexing is the issue of human rights. The debate over human rights in North Korea as it intersects with policy discussions over engagement inevitably focuses on the prudence of linking human rights concerns with political issues such as nuclear negotiations and normalization of relations. Central to this debate is not whether there are human rights violations in North Korea. No doubt North Koreans endure major human rights violations. As economic migrants or political refugees who have crossed into China, North Koreans face dire living conditions. They are in danger of being discovered not only by the authorities but also by anyone wanting a reward for turning in undocumented immigrants. For those remaining in North Korea, the list of human rights concerns is long, ranging from the full spectrum of civil and political rights to social and economic rights.

The heart of the matter is: how should these rights be protected and by whom? The answer largely revolves around the issue of regime change. Some, like Bolton, argue that North Korean human

rights can best be protected if the regime is toppled. Others, like the German doctor Norbert Vollertsen, go so far as to encourage large refugee outflows to foster the collapse of the regime.

But human rights organizations such as Amnesty International have been leery of linking human rights to such political agendas throughout its long history of human rights activism precisely because such strategies only serve to detract from the issue in several ways. Political agendas take the focus away from human rights and play into geopolitical power struggles. In the short term, they provoke harsher measures that directly affect the most vulnerable. In the North Korean case, this was seen in the crackdowns by Chinese authorities after high profile bids for asylum in the scaling of embassy compound walls. Such strategies foster distrust rather than cooperation. Proponents of regime change seem oblivious to the even greater potential threat to human rights in the chaotic aftermath of regime collapse. In short, most human rights organizations believe that human rights should not be used as a political tool.

A negative example of what happens when human rights are linked to political agendas is the North Korea Human Rights Act of 2004. This legislation authorizes \$24 million for each of the fiscal years between 2005 and 2008 for assistance to North Korean refugees, promoting human rights, democracy, and freedom of information inside North Korea. In addition, the bill mandated the appointment of a special envoy for human rights in North Korea, a position subsequently filled by lawyer Jay Lefkowitz.

On the surface, it seems that the legislation stands up for human rights, alleviating a major humanitarian crisis. However, it has another objective. During a speech given to the Heritage Foundation on April 19, 2007, Lefkowitz emphasized the need for increasing flows of information into and out of North Korea by smuggling in radios so that North Koreans might listen to programs like the Voice of America and Radio Free Asia. "While all of these are crimes in North Korea, and getting caught could subject the offender to extreme forms of punishment, the long-term trend has been a steady increase in the porosity of the country," he casually stated. "In the struggle for human rights in North Korea, we not only can help try to save the lives of the North Korean people, most immediately, but we can also try to help make the region and the world safer by helping to bring about a similar transformation [as in the Soviet Union]. In this way, human rights can be a means to a greater end." Lefkowitz leaves little room for doubt that this "greater end" is the collapse of the North Korean regime.

More recently on January 17, Lefkowitz seemed to consign the Six Party Talks to premature death in a speech at the American Enterprise Institute. He declared that North Korea, despite four years of nuclear disarmament talks, will likely still have its nuclear weapons when the next U.S. president takes office in 2009. He accused Pyongyang of not being "serious about disarming in a timely manner," pronouncing that "North Korea has not kept its word." Revealing the longstanding split within the administration on how to deal with North Korea, his statement was hurriedly taken off from the State Department's website, and its author quickly put in line by Secretary of State Condoleezza Rice. "[Lefkowitz] doesn't know what's going on in the six-party talks, and he certainly has no say on what American policy will be in the six-party talks," she said sternly. "I know where the president stands, and I know where I stand, and those are the people who speak for American policy."

Lefkowitz deliberately overstepped his bounds to undermine the nuclear talks by linking them to human rights. "Security issues and human rights issues are linked inextricably," he has said. "They both derive from the nature of the regime, and any long-term effort by the international community to alleviate security concerns in northeast Asia will have to seek to modify the nature of the [North Korean] regime." Although his job is to press for human rights, Lefkowitz views his role through the prism of national security and regime change. His apparent misunderstanding of his own job

presents one of the strongest cases against linking human rights with political agendas.

Japan

Opposition to détente with North Korea isn't confined to the United States. In both South Korea and Japan, hard-line conservatives have adopted many of the arguments concerning North Korea's weapons program, verification procedures, and human rights. But they also have other agendas.

The outrage in Japan over North Korea's admission that its agents had been responsible for kidnapping 13 Japanese citizens during the 1970s and early 1980s hardened into a conservative movement in Japan that opposes engagement with North Korea. North Korea returned five of the 13 abductees to Japan soon after the announcement and pronounced the rest dead. However, conservatives in Japan insist that no progress can be made in normalizing relations between the two countries until the return of the remaining eight along with an unknown number of others, claiming that they are still alive. The confusion over the status of the eight abductees revolves around DNA tests performed on the alleged remains, which came back as those of unrelated people.

However, in February 2005, a world-renowned scientific journal, *Nature*, concluded that such analyses of cremated specimens are highly inconclusive and easily contaminated by those coming into contact with them. More to the point for Koreans of both the North and South, however, is that the issue of abduction cannot bypass the history of hundreds of thousands of Koreans forcibly conscripted by Japan during its colonization of Korea to serve Japan's imperial interests as forced laborers, soldiers, and most notoriously as "comfort women," many of whom were abducted. Japan's call for justice for Japanese abductees rings hollow next to its stubborn resistance in dealing with its own past.

South Korea

Although Lee Myung-bak, South Korea's new president-elect, asserts continuity with previous policies, he's also quick to point out his pragmatic approach toward North Korea. His foreign policy, dubbed the "MB Doctrine," focuses on a for-profit version of engagement that promises bold economic support to help increase North Korea's per-capita income to \$3,000 within 10 years if it abandons its nuclear weapons program. Tapping into frustrations expressed by many South Koreans at what appears to be stalled progress in North Korea's opening, Lee has pledged to "move away from the unilateral policy of appeasement that has been implemented without principle and embrace a strategy of reciprocity as a means to induce North Korea's genuine opening."

Of course, the quid pro quo is the complete dismantlement of North Korea's nuclear program. One sign of Lee's more hard-line approach is his plan to eliminate the Unification Ministry, which has been the locus of South Korea's engagement policy during the last decade.

On the other hand, capitalizing on his victory at the polls, Lee has come out more strongly than outgoing President Roh Moo-hyun in agreeing to unconditional meetings with North Korean leader, Kim Jong-il. "If a summit between the leaders of South and North Korea will help persuade the North to give up its nuclear programs and benefit both the South and North, I can do it anytime," Lee has said.

As a former chief executive at the Hyundai conglomerate, Lee has pledged to run his administration more like a business. With an eye to investing in China and the former Communist bloc, Lee may be hedging his bet that economic incentives will be the key to enticing North Korea out of its hermit status. On January 17, Lee confidently announced that his administration will "exert all-out efforts to promote dialogue and exchanges with North Korea. If the North abandons its nuclear program, the

South will take the initiative in raising an international cooperation fund amounting to about \$40 billion and provide a comprehensive aid package to upgrade five sectors in the North-the economy, finance, education, the infrastructure and living conditions."

There are similarities among hard-liners in the United States, Japan, and South Korea. They all see human rights as the thin edge of the wedge to open up North Korea and transform, if not eliminate, the regime. They are skeptical that North Korea intends to denuclearize or abide by any international agreements. They are critical of engagement policies for being asymmetrical. Nevertheless, South Korean hardliners are different because, unlike their counterparts in other countries, they must continue to live on the Korean peninsula with North Korea. As such, they generally recognize that the alternative to engagement is economic stagnation at best and at worst the outbreak of hostilities devastating the lives of millions - all of which will have direct impact on the lives of South Koreans. Whatever his pedigree as a conservative, Lee Myung-bak understands that there is no viable alternative to engagement.

In 2006, People's Solidarity for Participatory Democracy (PSPD), one of South Korea's largest NGOs, issued a statement on behalf of a coalition of human rights organizations in the country. PSPD criticized the politicization of the North Korean human rights issue within the UN, calling for mutual cooperation rather than the imposition of political pressures. Most importantly, it emphasized the need to establish peace on the Korean peninsula by resolving the relationship between the U.S. and North Korea as a precondition to improving the human rights situation in North Korea. "In approaching the human rights issue in the DPRK," the statement reads, "the right to peaceful survival on the Korean peninsula is essential to the promotion of all other rights." Engagement is a prerequisite for peace and human rights.

Pushing Engagement Forward

Over the last year, hard-line opponents to engagement with North Korea have largely been quiet. Special Envoy Lefkowitz has made a couple of speeches, but he has been slapped down by, of all people, Rice. John Bolton and other former administration officials have done what they can from outside the tent, but the louder they criticize the Six Party Talks, the more they underscore their own lack of influence. The hard-line Japanese politician Shinzo Abe, who made his reputation on the abductee issue, has been replaced by Prime Minister Yasuo Fukuda, who is much less willing to use the abductee issue to win support at home. President-elect Lee Myung-Bak in South Korea, his conservative bona fides notwithstanding, embraces some kind of engagement policy with the North.

The ineffectuality of the hard-line faction, however, might have less to do with a lack of political influence than a perceived lack of need. The hardliners have not strenuously exerted themselves to bring down the Six Party Talks perhaps because they believe that if they wait long enough the negotiations will, like North Korea itself, eventually collapse from within. Although the State Department is committed to reaching agreement with North Korea - and rebutting its critics on the right - it is also peculiarly blind to its own intransigencies. Although North Korea meets all the requirements for removal from the state sponsors of terrorism list, by the State Department's own criteria, the administration refuses to take this first step - even though it is a revocable decision compared to North Korea's full declaration of its nuclear programs. The State Department continues to hold firm on its HEU allegations, even though the only tangible proof rests with Pakistan - the claims of President Pervez Musharraf and the proliferation czar A. Q. Khan. The Bush administration has been unable or unwilling to extract documentary proof from its putative ally. With the State Department so ambivalent in its commitments, hardliners don't need to expend their own political capital to wreck engagement.

The State Department also faces the difficult legacy of the Bush administration's overall foreign

policy. In the last seven years, U.S. foreign policy throughout much of the world has failed to garner the trust necessary to enable negotiations with North Korea to proceed in good faith. What Washington needs is a step-by-step process of building trust. Otherwise, American diplomacy will ring hollow. Engagement is a prerequisite for fruitful progress not only on human rights, but much more.

What's at stake is an end to more than half a century of hostilities in U.S.-North Korea relations, 20 million North Korean lives, and a peaceful and prosperous East Asia. The United States has to commit to the long haul. It's time to give engaged diplomacy a chance.

III. Nautilus invites your responses

The Northeast Asia Peace and Security Network invites your responses to this essay. Please send responses to: bscott@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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