


Policy Forum 98-13B: Dealing with North Korea's Nuclear Weapons Program

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FUTURE OF AGREED FRAMEWORK

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DEALING WITH NORTH KOREA'S NUCLEAR WEAPONS PROGRAM

Essay by Joel Wit

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I. Introduction

This is the second in a series of essays on the current state and future prospects of the 1994 US-DPRK Agreed Framework. It was written by Joel S. Wit, Senior Associate, at the Henry L. Stimson Center. Mr. Wit is currently on leave from the US State Department, where he was in charge of implementing the US-DPRK Agreed Framework since 1995.

Wit calls for a more aggressive diplomacy to deal with the DPRK's nuclear weapons program. He argues that the goal of stopping the DPRK from developing nuclear weapons cannot be accomplished without an overall improvement in US-DPRK relations. Therefore what is needed is an overall diplomatic strategy, which even if it fails, would establish the basis for regional action to deal with the DPRK nuclear problem.

II. Essay by Joel S. Wit

"Dealing with North Korea's Nuclear Weapons Program"

1. Introduction

The visit of Ambassador Charles Kartman, the US special envoy on Korea, to Pyongyang will focus largely on the issue of dealing with the suspected underground nuclear facility. Whether or not that

facility constitutes a violation of the 1994 US-North Korea Agreed Framework, it certainly is a serious cause for concern which must be resolved if the US and North Korea are to have any chance of establishing a more normal relationship. But the unrelenting focus on the possible underground facility also obscures the need for a more fundamental adjustment in US policy, namely, towards a more aggressive (and at the same time realistic) approach in dealing with North Korea's nuclear program. While the review of US policy towards North Korea likely to be conducted by the Administration over the next few months will consider many options for dealing with the North's program, one option should be to build on the already established provisions of the 1994 agreement. The purpose of this essay is to lay out some suggestions for such an approach.

2. Why Diplomacy?

Simply put, US policy should plan for a nuclear-armed North Korea while pursuing aggressively all diplomatic options to prevent that outcome. Exactly what form that planning should take is beyond the scope of this essay. For example, some Republicans in Congress are pushing hard for deployment of theater and continental missile defenses against precisely the kind of threat a North Korea armed with long-range, nuclear-armed missiles might present. There may be additional political, security and other measures which the US and its allies in the region will have to take in response to a nuclear-armed North Korea. But at the same time those steps are being considered, the Clinton Administration must formulate a diplomatic strategy to try to reach some accommodation with the North, and first and foremost, to head off the threat posed by its nuclear and missile programs. The chances of diplomacy succeeding may be small-- particularly since North Korea may view its nuclear program as the ultimate guarantee of regime survival-- but in lieu of a strong diplomatic approach, the chances for success short of the total collapse of the North Korean regime are almost non-existent.

While a number of specific measures are available to deal with the danger of a North Korean nuclear weapons program, those steps may be doomed to failure without a parallel improvement in US-North Korean relations. Convincing countries interested in building nuclear weapons to forego that option or to dismantle existing weapons is extremely difficult. Success or failure depends on broader political developments. The two extremes are represented by South Africa-- where basic changes in the political environment resulted in that country dismantling its nuclear weapons-- and Iraq-- where imposed disarmament has had some success but may eventually prove unsuccessful without a change in political motivations. The ultimate US objective should be to try to establish a regional environment which makes it easier for North Korea to forego the nuclear option, in effect nudging it along this continuum towards the South African model. That will certainly be a difficult task, but one which may be indispensable if a nuclear-armed North Korea is to be avoided.

The US also must recognize that, aside from the important objective of dealing with the North's nuclear weapons program, any diplomatic strategy would serve other purposes. First, if we intend to continue to play a leadership role in Northeast Asia through our close relationships with Japan and the Republic of Korea, our approach to this problem must be seen as taking into account the interests of both of those countries as well as of our own. While sentiment and policy may fluctuate in both Japan and South Korea, the bottom line is that both would prefer to solve the North Korea problem through dialogue rather than confrontation. That is not to say that both would be unwilling to take whatever steps might be necessary to deal with potential threats posed by North Korea. Witness Japan's recent announcement of its intention to launch intelligence satellites by 2003 and President Kim Dae Jung's recent statements about the need for trilateral cooperation in dealing with the North Korean missile threat. But they are more likely than not to agree to such measures in the context of continued diplomatic efforts to seek peaceful solutions to the problem presented by the

North.

Second, whatever diplomatic strategy we pursue, failure remains entirely possible. If failure should occur, it should be clear to both the region and the international community that North Korea is to blame. That is not now the situation. North Korea's continued complaints that the US has not been faithfully implementing the Agreed Framework have muddied the waters since some of those complaints appear to be justified. If US policy changed to containment tomorrow, it would be extremely difficult to get the support not just of key players such as China but even of close allies, particularly South Korea which is pursuing its own engagement policy. Therefore, pursuit of a diplomatic strategy to deal with the North, even if it fails, would be indispensable in establishing the basis for whatever new regional and international actions might need to be taken.

3. The 1994 Agreed Framework: Room for Improvement?

The primary purpose of the 1994 agreement should be well-known by now but bears repeating in the wake of recent acrimony between the Executive Branch and Congress. The agreement was never sold to Congress as a total freeze on all North Korean nuclear weapons activities. Indeed, time and time again, the danger of North Korea conducting such activities in some unknown underground installation was raised by Congress. This possibility was acknowledged by the Executive Branch but for much of the past four years, there was no credible evidence of such activities. Therefore, the recent revelations about the suspected underground nuclear site in the North struck a particularly sensitive nerve on the Hill. The problem was compounded by concerns that the Administration's recent admonitions that the North's "nuclear program" was frozen either reflected a lack of understanding by senior officials about the agreement or deliberate deception. In fact, the historical record is crystal clear. The 1994 agreement freezes the most important installations in the North's nuclear program at or near the Yonbyon nuclear facility, including one small operational and two larger reactors under construction, a plant for separating plutonium and a fuel fabrication facility. The agreement, in its confidential minute, also banned construction of identical installations-- graphite moderated-reactors, reprocessing plants or fuel fabrication facilities-- at any other location in North Korea, presumably the real concern about the suspected underground facility. It did not provide for inspection of such facilities. Finally, in the near-term, the agreement required the DPRK to safely store the spent fuel rods unloaded from its operational reactor in the spring of 1994, rods which contain enough plutonium to build a handful of nuclear weapons.

The Agreed Framework did not immediately prohibit any and all activities related to research and development of nuclear weapons. It left unresolved the issue of what activities the North had conducted in the past, whether it had any nuclear weapons as a result of those activities, and whether it was conducting continuing research and development. But the agreement did provide for eventually dealing with that problem. Under the 1994 accord, North Korea is required to allow the International Atomic Energy Agency to conduct a full examination of its past and present nuclear activities just before the delivery of major components for the nuclear reactors currently being built by the Korean Peninsula Energy Development Organization (KEDO). The objective of that examination will be to insure that North Korea is and will remain free of nuclear weapons or activities which could lead to the building of those weapons. Under the original terms of Agreed Framework, that examination would probably have begun around 2000-2001. Dismantlement of the North's nuclear facilities and the shipment of its stored nuclear material to another country also are tied to the reactor schedule, specifically the completion of the first KEDO reactor.

The nuclear achievements of the Agreed Framework to date are significant. North Korea has been adhering to the freeze on specified facilities at or near Yonbyon. Moreover, while the joint spent fuel

storage project has taken longer than expected, almost all of the rods containing plutonium are in storage in the spent fuel pond at Yonbyon monitored by the IAEA. In lieu of the restrictions in the Agreed Framework, plutonium in the spent fuel rods would almost certainly have been extracted by the North Koreans sometime in 1994. Moreover, over the past four years, North Korea could have completed the two larger reactors under construction, put whatever finishing touches were necessary on its reprocessing facilities and begun production of a significant and growing amount of plutonium and probably a sizeable nuclear weapons stockpile. If overt North Korean production of nuclear weapons did not result in open conflict, it certainly would have led to an entirely different political and security situation in the region than exists today.

At the same time, the Agreed Framework clearly leaves the nuclear option open for North Korea until that point in the KEDO reactor program when Pyongyang is required to be certified by the international community as "nuclear-free." This was an important negotiating objective for the North given the uncertainties involved with implementation of the agreement and how its bilateral relationship with the US would progress. Until then, the North's facilities remain intact (and the North is maintaining them), and it still possesses the spent fuel rods unloaded from its five megawatt reactor in 1994. Moreover, any prudent assessment of North Korean behavior would conclude that it is conducting other activities designed to maintain its options, certainly through research and development which is not covered immediately by the agreement.

Under these circumstances, the US objective should be to achieve a nuclear-free North Korea as quickly as possible, both through more expeditious implementation of the Agreed Framework as well as building on its provisions. First, the US was bound to be confronted at some point with the problem of how to deal with suspected North Korean nuclear sites which might contradict the terms of the Agreed Framework. Information on the North's nuclear activities is incomplete. Moreover, the North has built extensive underground facilities for a wide range of purposes, not all of which are entirely clear. While banning the construction of duplicate facilities at other locations, the Agreed Framework does not specify what should be done if there is evidence that such facilities exist. Steps need to be taken now to deal with the fallout from the current nuclear "hole in the ground", but the US also needs to consider cooperative arrangements to deal with similar future problems which are almost certain to happen.

Second, and of crucial importance, the US needs to be more vigorous in preparing for the IAEA's examination of the North's nuclear program. That examination, which may take a few years, will represent the defining moment in determining whether the North is free of nuclear weapons or any activities which could lead to their production. Towards that end, the US should begin taking steps soon to ensure that examination is conducted in the most comprehensive manner possible. First and foremost, that means ensuring that the North preserves as much information as possible on its past nuclear activities. While Pyongyang has acknowledged this obligation, its cooperation to date has been very limited. It has argued, with some validity, that information has been preserved as a result of the nuclear freeze. But the IAEA and the US believe that a great deal more information needs to be preserved in order to conduct an effective historical examination. Moreover, it is absolutely essential to avoid waiting until the last minute to preserve such information.

This leads to a third point; the KEDO reactor schedule, which is the key locomotive driving the US ability to ensure the North is nuclear free, has slipped significantly since 1994. As a result, all of those measures necessary to secure this critical objective-- the IAEA examination, the dismantlement of the North's key nuclear facilities and the shipment of the North's existing nuclear material to another country-- will take place later rather than sooner. While North Korea has contributed to these delays, most notably through the 1996 submarine incursion which halted the project for at least six months, so have the US, Japan and South Korea. Diplomatic discourse between the trilateral

partners over the past four years has focused on the financial burdens of the KEDO nuclear reactor project, on funding heavy fuel oil deliveries to the North, or on new proposals such as the Four Party Talks. However, they have failed to keep their eye on the ball; namely, the whole reason for the agreement was not just to freeze the key elements of the North's nuclear program but to put in place a process which would lead as soon as possible to a nuclear-free North Korea. Pyongyang has used these delays in the reactor project to argue that it sees no need to move forward with preserving historical information.

Fourth, little has been done not just to press our interests vigorously, but to build an increasingly cooperative relationship with the North in the nuclear area. To be sure, the process of building a cooperative relationship should proceed very slowly and cautiously given justified concerns about the North's nuclear and other activities. But the US must recognize that building bridges to key nuclear constituencies in the DPRK--for example, the General Bureau of Atomic Energy, who are responsible for the North's civilian and military nuclear programs--could pay off in promoting mutual understanding as well as in practical results. Such a process was begun by the joint US-North Korean project on storing the DPRK's spent fuel and should continue in the future, building on that experience.

4. Elements of the Approach

What needs to be done to deal with these key problems? I would recommend the following six steps:

* A Visit to the "Hole in the Ground": Such a visit would have important political symbolism but only limited practical value. It is almost certain that if the North allows a US team to visit the site, it will only do so knowing the US team will find nothing but a big hole in the ground. That is not to say that US information on North Korean activities is incorrect. Rather, as some press reports have indicated, the North Koreans may not have yet begun construction, having spent most of their time digging the hole. Our focus on this site almost certainly means the North will not conduct any further activities there in the future. (That may help to explain the real reason for the North's demand for compensation if it allows such a visit.) But it will be important, although very difficult, to take steps to insure that is the case. That may mean sealing the entrances to the site-- not likely unless the North Koreans are fully compensated for their efforts-- or retaining the right to visit the site in the future-- also not likely given the North's constant reminder that it will not be treated like Iraq. The US can expect a visit to the hole, if it finds nothing, to be publicly exploited by the North to further cloud the issue of which side is to blame for problems in implementing the Agreed Framework..

* Reciprocal Visits to Suspected Nuclear Sites: Assuming the US wants to not only have the right to return to the current hole in the ground but also to visit future holes in the ground, one approach which might have some prospect of success would be to offer reciprocal inspection rights. If the US wants to visit a site in North Korea where it believes activities prohibited under the Agreed Framework may be taking place, we should allow the North Koreans to conduct inspections of US facilities in South Korea where they suspect nuclear activities may be taking place. This proposal might be viewed as window dressing since the North knows that US nuclear weapons have been withdrawn from South Korea. But it is worth noting that, according to the historical record, the US came close to offering such inspections to Pyongyang in the early 1990's before the nuclear crisis. Such an approach might also provide the proper diplomatic context in which to work out a deal which avoids the Iraq analogy.

* Phased Preservation of the North's nuclear history: For the IAEA to conduct a thorough,

expeditious examination of the North when the time comes, the US must insure that Pyongyang preserves important historical information. Preservation of such information is not explicitly mentioned in the Agreed Framework but it is implicit in the agreement's requirement to eventually conduct an historical examination. Since the North has insisted, with some justification, on an implicit linkage between reactor construction and preservation of information, the United States should seek to make that linkage explicit. Such an approach would require phased preservation of historical information which could be keyed to different milestones in the KEDO reactor project. When a specific milestone is reached, the North would take the necessary steps to preserve some specific information. Such an arrangement might need to be codified in upcoming negotiations between KEDO and the North on the reactor delivery schedule or in a separate arrangement between the United States and Pyongyang. The IAEA would, of course, play a critical role in shaping this arrangement since it will have to eventually certify that the North is nuclear-free.

* Acceleration of the KEDO reactor project: As mentioned above, the project is already a few years behind meeting the target date of 2003 established in the Agreed Framework and that has broader implications for establishing a nuclear-free North Korea. The US, in cooperation with its other KEDO Executive Board members, should seriously consider whether it is possible to speed up the KEDO reactor project. Such a step would serve US interests since it would speed up denuclearization of North Korea and could be used as a potential bargaining chip in discussions with the North. It would also be attractive to Pyongyang which is increasingly concerned about the slow pace of the project. Given the shorter timetables for similar reactor projects in other countries and even accounting for the difficulties of doing business in the North, it may be possible to cut a year or more off the current schedule without adding any additional costs.

* Negotiation of a US-North Korea peaceful nuclear cooperation agreement: Such an agreement will be necessary for KEDO to complete the reactor project since the major components will be based on US technology provided to the South Koreans. It may have some political symbolism as the first legally binding agreement between the United States and North Korea. But such an agreement would also be another avenue for reinforcing our absolute requirement that the North allow the IAEA to conduct a thorough examination of its nuclear history since the agreement can not enter into force until the Agency gives the North a clean bill of health and institutes fullscope safeguards on its nuclear program. The US should consider moving forward with these negotiations sooner rather than later to demonstrate our seriousness about implementing the Agreed Framework and about securing fullscope safeguards.

* US-North Korean Nuclear Cooperation: Initially such contacts should be kept limited given the nature of the bilateral relationship. But, if relations improve, the scope of cooperation could widen. One possible vehicle for cooperation would be regular consultations between the US Department of Energy and the DPRK's General Bureau for Atomic Energy. Initially, the agenda could include maintaining the nuclear spent fuel jointly stored in the DPRK, for example, ensuring the gas inside those storage canisters does not leak and, if it does, how to resolve that problem. Discussions might also focus on US concerns about the preservation of historical information and the requirements for a peaceful nuclear cooperation agreement, particularly the need for fullscope safeguards to be in place before it could enter into force. Under the right circumstances, one could imagine other areas for discussion. In the past, some North Koreans have raised the possibility of training of DPRK inspectors charged with implementing confidence- building measures or arms limitation agreements in the US. Some have also raised the possibility of a US-DPRK environmental cleanup of the Yonbyon reactor site. Finally, the Department of Energy might play a role in helping to set up a modern North Korean nuclear regulatory authority which will be required if the KEDO project is to be successfully completed.

III. NAPSNet Invites Your Responses

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