

## **Policy Forum 97-15: Assessing the Agreed Framework: Article Summaries & Response**

 The NAPSNet Policy Forum provides expert analysis of contemporary peace and security issues in Northeast Asia. As always, we invite your responses to this report and hope you will take the opportunity to participate in discussion of the analysis.

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## **NAPSNet Forum #6 -- Assessing the Agreed Framework**

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### **Northeast Asia Peace and Security Network**

#### **"Assessing the Agreed Framework "**

#6 -- July 10, 1997

The is intended to provide expert analysis of contemporary peace and security issues in Northeast Asia, and an opportunity to participate in discussion of the analysis. The Forum is open to all participants of the [Northeast Asia Peace and Security Network \(NAPSNet\)](#) . As always, NAPSNet invites your responses to this report. Please see "[NAPSNet Invites Your Responses,](#)" below, and send your responses to the NAPSNet Coordinator at: [napsnet-reply@nautilus.org](mailto:napsnet-reply@nautilus.org) .

# ASSESSING THE AGREED FRAMEWORK

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## CONTENTS:

- [1. Introduction](#)
- [2. Summary of Gilinsky and Sokolski Opinion Article](#)
- [3. Summary of Diamond Opinion Article](#)
- [4. Gilinsky Response](#)
- [5. NAPSNet invites your responses](#)

## 1. Introduction

Earlier this year, The Washington Post carried two opinion articles offering contrasting assessments of the 1994 US-DPRK agreement -- the "Agreed Framework" -- under which the DPRK is to suspend its nuclear program in exchange for the provision of two new light-water nuclear reactors. The first article, by Victor Gilinsky and Henry Sokolski, argued that interpretation of the terms of the Agreed Framework has changed over the course of its implementation, to the degree that the agreement now excessively favors the DPRK and so no longer serves US interests. The second article, by Howard Diamond, argued that Mr. Gilinsky and Mr. Sokolski mischaracterized the agreement and thereby overlooked its significant and ongoing benefits.

Victor Gilinsky has provided to NAPSNet a reply to Howard Diamond's critique of the original article. Mr. Gilinsky's reply is issued in full below. Preceding this response are summaries of both earlier articles. The summary of Mr. Diamond's article first appeared in the NAPSNet Daily Report on April 17, 1997 (see " [Assessment of Agreed Framework](#) ," item 3 in the US section). NAPSNet produced no summary of the original article by Mr. Gilinsky and Mr. Sokolski due to the [temporarily abbreviated Daily Report schedule](#) at the time of its original publication.

Victor Gilinsky is a former U.S. Nuclear Regulatory commissioner who has had long experience with nuclear export agreements.

Henry Sokolski is executive director of the Nonproliferation Policy Education Center and was deputy for nonproliferation policy in the Pentagon during the Bush administration.

Howard Diamond is a senior research analyst at the Arms Control Association.

The material below raises important points of debate on an issue vital to the future prospects for peace and security in Northeast Asia, and continues discussion on related issues begun in previous NAPSNet Policy Forums . The views expressed and arguments made below are those of the authors. Following the summaries and response, the section ["NAPSNet Invites Your Responses"](#) provides information on how you can respond and participate in the online forum.

## 2. Summary of Gilinsky and Sokolski Opinion Article

Victor Gilinsky and Henry Sokolski, in an opinion article in The Washington Post ("KOREA: HOW LONG DO WE LIVE WITH BLACKMAIL?," 3/27/97, A27), argued that the 1994 US-DPRK Agreed Framework, under which the DPRK agreed to end its nuclear program in exchange for two modern nuclear power reactors, "gradually has changed into something even less desirable than the questionable proposition that was negotiated in 1994." Two years ago, they wrote, the US administration was touting the Agreed Framework for its "reciprocity," arguing that the deal was

safe because US steps "would be matched by North Korea's steps in dismantling its plutonium production complex." However, they argued, this reciprocity has become lost as interpretation of the arrangement has shifted over time. The authors observed that when the DPRK stopped "canning" the irradiated fuel from its small power reactor, "the US administration quickly fell into line." They then asserted: "The way things stand now, the North Koreans do not have to ship the plutonium-laden fuel out of the country until the first of the two large reactors is built and before it goes into operation -- at least six years from now. And the North does not have to dismantle anything until the second of the two reactors is built (but before it goes into operation). That could be 10 years from now, or never. That means that, barring some political change in the North, we will continue to be blackmailed by the threat of a restart of the weapons program." They also noted that the DPRK still refuses to allow the International Atomic Energy Agency (IAEA) to inspect two waste sites for evidence of cheating on the Nuclear Nonproliferation Treaty, and then argued that the "unspoken universal assumption" that any eventual IAEA inspection "will not amount to much" thus "constitutes a reinterpretation of the agreement in favor of North Korea." Gilinsky and Sokolski concluded: "The only way to make sense of the arrangement as negotiated is to reemphasize the element of reciprocity. We propose that the United States read the agreement to require Pyongyang to dismantle its plutonium production complex in step with the construction of the large modern power plants." The authors acknowledged that it might be difficult to get the DPRK to agree to dismantle its plutonium production plants in step with the construction of the new reactors, but then asked, "how are we going to get North Korea to do it when the two reactors are built and we have even less leverage?"

### **3. Summary of Diamond Opinion Article**

Howard Diamond argued in an opinion article in *The Washington Post* ("THE KOREA DEAL: ADVANTAGE U.S.," 4/17/97, A23) against claims that the 1994 US-DPRK Agreed Framework favors the DPRK. Responding specifically to an earlier opinion article in *The Washington Post* [Victor Gilinsky and Henry Sokolski, "Korea: How Long Do We Live With Blackmail?," March 27] that claimed the agreement "has been reinterpreted to Pyongyang's advantage," Diamond wrote, "This puzzling judgment is made possible only by mischaracterizing the significant progress to date and avoiding any mention of the benefits." Benefits Diamond cited included the cessation of DPRK production of plutonium, the canning of irradiated fuel which is expected to be completed by September, and the shut down of the DPRK's plutonium reprocessing facility. Diamond wrote, "Before a dime of U.S. money was spent on heavy fuel oil, and before KEDO (the U.S.-led consortium that will supply the light-water reactors) was even formed, the most important national security objectives of the United States and our allies already had been met: North Korea's drive to become a nuclear weapons state was stopped short." Diamond also noted that the Agreed Framework requires the DPRK to take "all steps deemed necessary by the IAEA" to verify that it is not concealing nuclear materials before the key nuclear components for the light-water reactors are delivered. Diamond wrote, "In plain English, until both the United States and the IAEA are satisfied that North Korea has come clean, the most Pyongyang will receive is heating oil and some large concrete buildings. The burden of proof will be on North Korea to provide evidence that it did not reprocess and does not have any hidden plutonium, rather than on the IAEA to show the reverse." Lastly, Diamond responded to Gilinsky and Sokolski's suggestion that construction of the new reactors take place only with step-by-step reciprocal dismantling of the DPRK's old nuclear program, writing, "A good idea. The Agreed Framework does exactly that. The official supply schedule is contained in a 'confidential minute' that hasn't been made public. A precise time line was given, however, by Undersecretary of Defense Walter Slocombe in a March 1995 speech. If anyone is interested, they can find Slocombe's remarks on Pages 183-195 of Sokolski's new book."

#### 4. Gilinsky Response

Mr. Diamond chides Henry Sokolski and me for our inadequate enthusiasm for the Agreed Framework, the administration's 1994 nuclear agreement with the DPRK:

The Agreed Framework gives the DPRK -- in return for freezing its indigenous nuclear reactor projects and reprocessing plant -- two large U.S.-type nuclear power reactors that will be about ten times larger than the ones the DPRK had under construction. That is an awfully high price, not least symbolically. (For one thing, it has made it hard to argue with a straight face against Russia selling similar "proliferation resistant" reactors to Iran.) But Sokolski and I recognize that is the agreement with which we have to work. As it appears the administration is actually serious about delivering the new nuclear station to the current regime, we suggested a common-sense interpretation of the agreement that would require step-by-step phased performance. That is, the United States should insist that the North Koreans dismantle their worrisome indigenous nuclear facilities *in step* with construction of the new power reactors. The same goes for getting started on letting the IAEA inspectors into the disputed waste sites to determine how much more plutonium North Korea separated than it has reported to the IAEA.

Mr. Diamond writes that this step-by-step approach is already incorporated into the Agreed Framework. He says that the proof is in a "time line" chart we overlooked in a DOD official's article in a recent book Henry Sokolski himself edited. That's sounds cute, but it's wrong. The "time line" in question ( *Fighting Proliferation: New Concerns for the Nineties* , Air University Press, 1996, p. 191) is essentially the original administration briefing chart which tracks the written agreement. It makes clear that, as things stand, the DPRK's dismantlement of its indigenous nuclear facilities is a condition only for the completion of the second of the two U.S.-type reactors -- which will occur many years in the future, if it ever does. Furthermore, the time line indicates the administration does not expect the DPRK to start any dismantlement until the North Koreans have the first of the large new reactors on-line. We suggest that is too late, and that the process of reciprocal actions be broken into smaller self-enforcing steps that start now. If the DPRK won't go along with that, why do we think they will give up their nuclear leverage at the end of the process? By the way, that first large U.S.-type reactor will have a plutonium production capacity roughly comparable to that of entire DPRK indigenous program, a fact often overlooked in news accounts.

Of course, before they get key nuclear components, the North Koreans are supposed to allow IAEA inspection of the disputed waste sites, the ones to which the DPRK would not allow international access, thereby violating its treaty obligations and raising strong suspicions. Mr. Diamond thinks that unless the North will "come clean" the project will stop. The reality, unfortunately, is otherwise. Consider the May 27 Reuters report ("N. Korea Is Hiding Nuclear Materials, Inspector Says," Seoul, 5/27/97) [Ed. note: See " [IAEA Concerns about DPRK Nuclear Situation](#) " in the May 27 Daily Report.] that IAEA director general Hans Blix said the DPRK is hiding a stash of plutonium, but evidence to prove it may be slipping away. Does anyone really think that, mid-way in the new construction project, the DPRK will cooperate in supplying evidence that will brand it as a treaty violator? More likely, the issue will have to be finessed.

There is no denying that the North Koreans have put us in a tight spot with no easy outs, but let's remember they are in a tighter one. And there is such a thing as paying too much blackmail. I do find it odd that many arms controllers are pleased about an arrangement that rewards the NPT's worst offender, and are nonchalant about the consequences of doing so. I also find it odd that environmentalists cheerfully support a bloated \$5 billion nuclear project for a grim and vicious police state with a starving population. Perhaps, if the North Koreans mellow, or fall apart and unite with the South, the administration will win its gamble. But what if they don't?

## 5. NAPSNet Invites Your Responses

The Northeast Asia Peace and Security Network invites your responses to the points raised in the items above.

Please send responses to: [napsnet-reply@nautilus.org](mailto:napsnet-reply@nautilus.org) (preferably using "Response to Forum #6" as the subject). 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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[Return to top of this page](#) NAPSNet Policy Fora Online

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