

Policy Forum 02-04A: The Agreed Framework is Dead: Long Live the Agreed Framework!

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By Peter Hayes

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I. Introduction

This essay analyzes breaking news that the United States holds the DPRK to be in "material breach" of its promise to not develop nuclear weapons. It reviews what the DPRK might be doing with uranium enrichment and concludes that there is no innocent explanation. It speculates that the DPRK might have aimed to force the United States to resume dialogue. Alternately, it might have been developing a clandestine nuclear weapons capacity for long run strategic value in the face of its degraded conventional military forces. Finally, the essay states that the Agreed Framework has been dead for some time, but that short of war, it is inevitable that eventually the DPRK and the United States create a new cooperative framework.

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II. Essay by Peter Hayes

"The Agreed Framework is Dead: Long Live the Agreed Framework!"

By Peter Hayes, the Nautilus Institute

The announcement on October 16, 2002 by White House spokesman Sean McCormack that North Korea is in "material breach" of the agreement under which it promised not to develop nuclear weapons" bears careful examination.

It is not yet clear exactly what the North Koreans have done. The initial leak, via the Reuters news service, stated that the violation concerns DPRK activities related to secret enrichment of uranium. Enriched uranium at high levels can be used for making nuclear weapons. Enriched uranium at low levels can be used in reactors, although it is not needed for the kind of natural uranium-fuelled and graphite-moderated reactors that the DPRK was building in the early nineties when the nuclear crisis erupted in the Peninsula.

It is worth noting that the Agreed Framework itself does not cover enrichment. Under the related Korean Peninsula Energy Development Organization (KEDO) agreement, the DPRK did agree to not attempt to enrich fuel for the reactors. But all the Agreed Framework covers explicitly are a freeze on the DPRK's graphite-moderated reactors and "related facilities." Enrichment is not a related facility for graphite-moderated nuclear fuel cycles.

What is unknown is what exactly and for how long this activity has been underway. If the DPRK was already active in enrichment at the time it made its declaration of nuclear facilities to the International Atomic Energy Agency in Vienna, then it would have violated its safeguards obligations with the Agency and as a party to the Nuclear Non Proliferation Treaty.

If the United States discovered that the DPRK was engaged in actual enrichment of uranium, then it is likely that it did so by observing a large thermal signature from the energy wasted in the industrial process leaking into the atmosphere and observed by infrared sensors on satellites or aircraft. Alternately, the United States may have tracked a DPRK acquisition effort to obtain enrichment-related technology from around the world-or both. Whether enriched uranium has been made into actual weapons is another uncertainty that now hangs over the Korean Peninsula.

Whatever there is no innocent explanation for the DPRK to be seeking enriched uranium. In particular, it is inconsistent with the letter and spirit of the 1992 North-South Korean Denuclearization Declaration which states clearly that both Koreas "shall not possess nuclear reprocessing and uranium enrichment facilities."

Why now?

The United States has likely known about this activity for some time. It is also well known that political appointees in the Bush Administration are opposed to the US-DPRK Agreed Framework. The DPRK "material breach" is a perfect opportunity for them to can the Agreed Framework.

The interesting political question is not why the US emissary to the DPRK, Jim Kelly, presented the DPRK with an ultimatum on this issue by documenting the violation to the DPRK. Rather, it is why the DPRK's Kang Sok Ju reportedly responded to Kelly by admitting the violation (and lecturing Kelly at length about American transgressions of the Agreed Framework). Why, if you are the DPRK, admit to a violation unless you want to resolve the issue?

And why, if you are interested in a peaceful resolution of the nuclear confrontation in the Korean Peninsula, not respond in kind? After all, there are precedents-most importantly the US inspection of the suspect cave at Kumchangri.

The DPRK apparent admission raises a further question: did they undertake the activity in order to use it to force the United States to engage the DPRK again after two years of diplomatic neglect in a form of "enrichment brinksmanship."

Or were they simply discovered with their finger in the nuclear till again in the course of a clandestine attempt to maintain their ultimate strategic nuclear option in the face of the deteriorating conventional military balance in the Korean Peninsula?

What next?

Insiders in the Washington nuclear policy world have been aware of the alleged and reportedly admitted violation since shortly after Kelly returned. Today's developments do not mean that the Agreed Framework is now nullified-clearly the aim of the initial leak via Reuters. The White House statement is circumspect with regard to the future of the Agreed Framework and states that the United States seeks a "peaceful resolution" of the issue.

In reality, the Agreed Framework as a policy instrument has been dead for at least a year. The essence of the Agreed Framework as to conduct diplomacy and to push forward on issues of concern to both sides, not the delivery of fuel oil or reactors under KEDO's rubric.

And of course, the nuclear freeze on North Korean nuclear activities was also critical. Reports tonight that the DPRK itself has announced that it is pulling out of the 1994 Agreed Framework simply reinforce the image that the DPRK is determined to go it alone in the face of American power.

At this stage, the only way forward is for the DPRK to come clean, allow inspections of the suspect activity, and to implement IAEA special inspections immediately to resolve the issues outstanding from the earlier confrontation over suspected reprocessing at the Yongbyon nuclear site in North Korea.

Both sides have enormous leverage at the Demilitarized Zone. If either side play hardball, someone will get hurt fast. The United States has time on its side and holding steadfast to its demands that DPRK denuclearize and be certified clean by the IAEA remains the only realistic path short of risking all-out war in Korea. Any illusions in Washington that the North Korean regime will solve this problem by collapsing and going away should be dispelled thoroughly by this latest development. Precision strikes are also not militarily meaningful against the DPRK if it has weaponized special nuclear materials, as was discovered in 1994 by American war-planners. And sanctions will not work against the DPRK, which has two land borders over which the United States has no control whatsoever.

If both sides remain cool-headed, then eventually the two adversaries can resume their dialogue and reactivate their limited contact and cooperation. At that time, a new Agreed Framework will emerge, likely modeled on the old.

The Agreed Framework is indeed dead-long live the Agreed Framework!

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.

Produced by The Nautilus Institute for Security and Sustainable Development
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