Policy Forum 08-049: North Korea’s Nuclear Declaration: What to Expect

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By Ralph Cossa

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I. Introduction

Ralph Cossa, President of the Pacific Forum CSIS, writes, "Some have argued that it would make more sense to wait until the list is delivered and verified before restrictions are lifted, and they are

probably right. Unfortunately, that was not what Washington promised. If we have learned nothing else about North Korea we should know one thing by now: While Pyongyang might not be too good at living up to its own promises, it will not budge an inch if it perceives that others are not living up to theirs."

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II. Article by Ralph Cossa

- "North Korea's Nuclear Declaration: What to Expect Next"
By Ralph Cossa

U.S. Secretary of State Condoleezza Rice recently announced that North Korea will soon release its much anticipated (and long overdue) "complete and correct declaration" of all its nuclear activities. In return, the Bush administration will remove Pyongyang from the State Sponsors of Terrorism list and Trading with the Enemy Act (TWEA) restrictions; actions that could be reversed if the North's list proved to be inadequate or if cooperation on verification was "insufficient."

Some have argued that it would make more sense to wait until the list is delivered and verified before restrictions are lifted, and they are probably right. Unfortunately, that was not what Washington promised. If we have learned nothing else about North Korea we should know one thing by now: While Pyongyang might not be too good at living up to its own promises, it will not budge an inch if it perceives that others are not living up to theirs.

As a result, it is useful to review what has actually been promised, first during the landmark September 2005 six-party talks joint statement and later during two "breakthrough" declarations that took place in February and October of 2007.

Under the 2005 joint statement, all sides agreed to the "verifiable denuclearization of the Korean Peninsula," with Pyongyang specifically committed to "abandoning all nuclear weapons and existing nuclear programs." Denuclearization was to be accomplished in line with the principle of "commitment for commitment, action for action." The six parties (China, Japan, North and South Korea, Russia, and the U.S.) also agreed to discuss the subject of the provision of light-water reactors (LWRs) to North Korea "at an appropriate time."

For a variety of reasons, including a dispute over frozen North Korean funds in a Macau bank - the result of earlier U.S. Treasury action aimed at halting suspected money laundering activities - the process became stalled until Feb. 13, 2007, when a new agreement outlined a 60-day "phase one" action plan that (eventually) resulted in the shutting down of the North's Yongbyon nuclear facility. In return, North Korea received an initial shipment of 50,000 tons of heavy fuel oil (HFO) as the first installment of a total emergency energy assistance package worth the equivalent of 1 million tons of HFO. Washington also promised to "begin the process" of removing Pyongyang from the state-sponsor of terrorism list and TWEA restrictions.

While there was no reference to frozen bank accounts in the agreement - the release was apparently promised at a side meeting between chief U.S. negotiator Assistant Secretary of State for East Asia Christopher Hill and his North Korean counterpart, Vice Foreign Minister Kim Kye Gwan, in Berlin in January 2007 - the 60-day phase ended up taking about four months to complete, as the North waited until the funds were in its pocket before proceeding. This apparent Hill-Kim secret handshake created anxiety among the other six-party members, who now openly wonder what else

may have been promised.

The year's second "breakthrough" agreement, the Oct. 3, 2007, "Second-Phase Actions for the Implementation of the Joint Statement" was likewise preceded by another bilateral Hill-Kim session, in Geneva in early September. North Korea again agreed, during phase two, "to disable all existing nuclear facilities" with disablement of the three main facilities at Yongbyon - the 5 megawatt Experimental Reactor, the Reprocessing Plant, and the Nuclear Fuel Rod Fabrication Facility - to be completed by Dec. 31, 2007. Pyongyang also "agreed to provide a complete and correct declaration of all its nuclear programs" by year's end. In return, Pyongyang would receive the already promised "economic, energy, and humanitarian assistance up to the equivalent of one million tons of HFO" and the U.S. promised to "fulfill its (TWEA/terrorist list) commitments to the DPRK in parallel with the DPRK's actions."

Since then, Pyongyang has made it clear that it expected (was promised in Geneva?) that the U.S. delisting actions would take place simultaneous with the release of its nuclear declaration; hence Rice's decision to begin the delisting process with the handing over of the nuclear declaration by Pyongyang to China (the six-party talks host) and before the verification process can proceed. The declaration will presumably be made public at the next six-party talks session.

Note that the February and October agreements both specify that the million tons equivalent of aid is in compensation for the disablement of all nuclear-related facilities and material, including those yet to be identified but which are expected to be included in the anticipated declaration. This would include the facility where North Korea's bomb or bombs are actually produced (specialists say this did not take place at Yongbyon) plus the nuclear test site etc. It should also include "disablement" of Pyongyang's plutonium assets, presumably including any plutonium residing in actual weapons, although it is unclear if this interpretation is shared by Pyongyang (or even by Washington).

Nonetheless, Pyongyang now claims (thus far without contradiction from Washington) that the energy aid is related only to the disabling of Yongbyon, asserting: "While the (Yongbyon) disabling has been completed for more than 80 percent, overall energy cooperation business is going very slowly - at 30 percent to 36 percent." It would seem that Pyongyang has "renegotiated" the February and October agreements and now expects (was promised?) the full million ton equivalent of oil and assistance for the disablement of Yongbyon and nothing more. Disablement of other nuclear facilities (presuming they are listed on the "complete and correct" declaration) will apparently now fall into phase three - the dismantlement and abandonment phase. During Congressional testimony in February, Assistant Secretary Hill admitted that "we don't know what kind of money will be needed for phase three," but it will no doubt be considerable.

Another lingering concern is the absence of any reference in any of the agreements to Pyongyang's current inventory of nuclear weapons. No one currently knows how many exist and where they might be. Of course, "denuclearization" means giving up weapons as well as programs/facilities, but we should not be surprised if Pyongyang chooses to make a distinction between the two and tries to hold on to any actual weapons until all other milestones, including normalization of relations with the U.S. and Japan and the provision of LWRs, have been realized. Is a "phase four" also in the cards?

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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