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A Six-Party Strategy: How the U.S. Can Press North Korea to Give Up Its Nuclear Weapons

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By all accounts, U.S. and North Korean diplomats reached consensus, if not an actual deal, during mid-December bilateral talks in Berlin. While movement in the Six-Party Talks would be a welcome development, the U.S. must not abandon its demand for complete dismantlement of all of North Korea's nuclear weapons programs in a rigorously verifiable manner. Moreover, as counterintuitive as it may appear on the verge of a diplomatic breakthrough, Washington must begin contingency planning for the eventual failure of the Six-Party Talks, because it is unlikely that North Korea is willing to negotiate away its nuclear weapons capability.

An uncharacteristic sense of optimism now permeates diplomatic and media circles prior to the February 8 resumption of the Six-Party Talks in Beijing. Though details of the Berlin talks have not been disclosed, the U.S. may have agreed to a partial release of seized North Korean financial assets, formalized diplomatic recognition, security assurances, and the resumption of economic aid in return for North Korea freezing its nuclear activities at the Yongbyon nuclear facility and the readmission of IAEA inspectors to monitor compliance. The parameters are similar to a North Korean proposal made during the second round of Six-Party Talks in February 2004.

The Bush Administration may have been driven to greater negotiating flexibility by a need to achieve a foreign policy victory to compensate for declining public support for the Iraq war effort and the loss of Republican leadership of Congress. For its part, North Korea may see an opportunity to wrest

greater concessions from a weakened opponent, or it might feel impelled to return to the talks to mitigate deteriorating economic conditions brought on by U.S.-led economic restrictions.

Potential for Progress, Not Resolution. North Korean negotiator Vice Foreign Minister Kim Gye-gwan claimed to have achieved a "certain agreement" and established "direct dialogue" with U.S. counterpart Assistant Secretary of State Christopher Hill during their Berlin discussions. Hill denied an agreement but noted "very useful discussions" that provided the basis for progress in multilateral negotiations. His constrained optimism may have been driven by wariness of potential criticism for appearing to have reversed Bush Administration policy against direct bilateral negotiations with North Korea. Secretary of State Condoleezza Rice underscored that the Berlin discussions were conducted within the overall framework of the Six-Party Talks and that the U.S. had not made bilateral negotiations with Pyongyang.

Despite widespread optimism generated by the results of Assistant Secretary Hill's renewed negotiating leverage, derailment of any pre-arranged agreement remains possible. The principle impediment to preliminary progress remains the \$24 mil-

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lion in seized North Korean assets in the Macau-based Banco Delta Asia (BDA). In September 2005, the U.S. Treasury Department designated BDA a “primary money laundering concern” under Section 311 of the Patriot Act for its facilitation of North Korean counterfeiting and money laundering.

Rumors are rife that the U.S. has agreed to advocate the release of between \$8 million and \$12 million from BDA accounts following a determination that they are not linked to any illicit activities.¹ However, on January 31, the State Department denied the existence of any such plan. Bilateral talks between Treasury officials and North Korean counterparts in Beijing on January 30 and 31 ended without the expected announcement. Deputy Assistant Secretary of Treasury Daniel Glaser announced that while progress had been made during the discussions, U.S. suspicions of North Korea’s “financial crimes” had been vindicated.

Pyongyang boycotted the Six-Party Talks for 13 months and, according to a former U.S. official who met with North Korean officials in November 2006, based its return to negotiations in December 2006 on the incorrect assumption that China would unfreeze the accounts with U.S. acquiescence. North Korea indirectly signaled last week that a failure to resolve the BDA issue would lead Pyongyang to conduct a second nuclear test.

Don’t Lower the Bar. During this week’s Six-Party Talks, the U.S. should affirm that its primary goal remains the “verifiable denuclearization of the Korean Peninsula” and call for North Korea to comply with the September 2005 Joint Statement requirement for “abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards.”² As such, a North Korean agreement to freeze nuclear activities at the Yongbyon facility under IAEA supervision should be insufficient to receive benefits.

Only taking steps to disable the Yongbyon reactor, on a path toward eventual dismantlement, should be the trigger point for compensatory benefits.

The U.S. should aggressively engage in a good faith effort to resolve the North Korean nuclear issue, but Washington should emphasize that any agreement will require the concurrence of all six parties and that its commitment to negotiate is not open-ended.

The U.S. should stress to other Six-Party participants that Kim Jong-Il’s actions are inconsistent with peace and stability in Northeast Asia. Washington should recommend imposing a deadline for a resolution to prevent Pyongyang from dragging out discussions while increasing the threat to the region from its growing nuclear weapons inventory. Talking is not success, and North Korea should not be rewarded for its intransigence or its non-compliance with U.N. resolutions.

A Satisfactory Resolution. Any resolution with Pyongyang must include the following provisions:

- Ensuring that both plutonium- and uranium-based nuclear weapons programs are subject to the agreement;
- Addressing North Korean missile programs in line with U.N. Resolution 1718, which “decides also that the DPRK shall abandon all other existing weapons of mass destruction and ballistic missile program in a complete, verifiable and irreversible manner”;
- Requiring complete, verifiable, and irreversible dismantlement of all nuclear weapons program components; the accounting of all nuclear material; and intrusive on-site inspections, including challenge inspections;
- Making any security reassurances (a non-aggression pact) contingent on North Korea’s abandonment of belligerency, including threatening military behavior;

1. The funds themselves are controlled by Macau banking authorities.

2. Joint Statement of the Fourth Round of the Six-Party Talks, Beijing, September 19, 2005. Moreover, U.N. Resolution 1718, passed in October 2006, states that “the DPRK shall abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner, shall act strictly in accordance with the obligations applicable to parties under the Treaty on the Non-Proliferation of Nuclear Weapons and the terms and conditions of its International Atomic Energy Agency (IAEA) Safeguards Agreement.”

- Ensuring that any peace treaty between the U.N. and North Korea is followed by discussions on confidence-building measures, including the redeployment of North Korean military forces away from the demilitarized zone;
- Ensuring that North Korea's removal from the U.S. list of state sponsors of terrorism is contingent on satisfactory resolution of the Japanese and South Korean abductee issue;
- Conditioning future humanitarian and development assistance, as well as membership in international organizations such as the International Monetary Fund and the World Bank, on monitoring requirements to prevent the diversion of aid.

Parallel Efforts to Maintain Pressure . In addition, the United States should take these steps to keep up pressure on Pyongyang:

- Continue to investigate and take action against any North Korean financial entity suspected of complicity in illicit activities, irrespective of the release of any funds from BDA accounts deemed to be from legitimate business activity;
- Continue targeting North Korea's illicit activities through international financial, intelligence, and law enforcement means;
- Press U.N. member countries to comply with U.N. Resolution 1718 by implementing all required measures against North Korea's WMD and missile programs;
- Maintain defenses against North Korea's proliferation of WMD or missiles and encourage China and South Korea to join the Proliferation Security Initiative; and
- Continue international efforts to highlight North Korean human rights violations.

Conclusion. The U.S. should continue diplomatic initiatives to resolve the North Korean nuclear impasse, but it must not purchase Pyongyang's return to the previous status quo. North Korea should not be rewarded for violating its previous commitments, nor should the international community condone Pyongyang's nuclear weapons status. A diplomatic agreement must be structured to redress previous loopholes and prevent yet another nuclear crisis on the Korean Peninsula.

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