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North Korea Nuclear and Missile Issues: What's the Solution

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I would like to thank Kim Sang Joo and the Institute for Corean-American Studies for this opportunity to talk about North Korea.

It certainly is a good time to discuss this subject, just as the Six-Party Talks are concluding in Beijing. We are fortunate indeed that, as always, the Institute for Corean-American Studies is focusing Washington's attention on a grave matter that concerns both Americans and our friends in South Korea and Japan.

It is important to keep in mind, when reviewing this new agreement from the Six-Party Talks in Beijing, that the most important issue on the table is *not* how much oil we give to North Korea. And it wants a lot. No, the most important issue is just what ICAS has identified—how to get Pyongyang to give up its nuclear weapons and the means to deliver them.

That is what the Six-Party Talks have been all about. The world began scrambling last night to figure out if all the participants, especially Kim Jong-il, would accept the new agreement, and indeed whether it will be effective.

From what I hear so far, I have to say I am disappointed. It looks like too much was given away or punted down the road. We appear to be providing significant rewards for minimal compliance, and leaving the important issues to future negotiations and to working groups that may or may not be able

to resolve them. This makes any follow-on negotiations key, if the U.S. is insistent on getting more assurances and concessions on certain points.

Unfortunately, all of this is painfully familiar. We've been here before, literally.

Just six and a half years ago, Secretary of State Madeleine Albright stood here and delivered a major address on the outcome of her visit to Pyongyang.

She talked about the progress the Clinton Administration had made in dealing with North Korea.

She chronicled how the North had violated its obligations to the International Atomic Energy Agency; how it had been actively developing nuclear weapons. And how Washington engaged in "vigorous diplomacy" to get to the Agreed Framework of 1994—which as you know, was when the North agreed to freeze production of plutonium at Yongbyon and Taechon in exchange for energy and other concessions.

Time proved that our best hopes and the best efforts of our best negotiators then were wrong. Or perhaps I should say half-wrong. Without the Agreed Framework, we might well be dealing with a North Korea holding dozens of nuclear bombs.

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Yet the Agreed Framework did not solve the bigger problem. It simply constrained it. It kicked the big can of denuclearization down the road, deferring its resolution.

And so it remains the central issue we face today.

Time will tell if this new agreement contains the keys to locking up the North's nuclear programs. A lot is being assumed. North Korea to this point has not been willing to give up its uranium-based nuclear weapons program, and based on recent statements and actions, it is *still* doubtful that Pyongyang would give up its plutonium program.

History is a critical lens. All the diplomatic, economic, and military concessions from the U.S., South Korea, and others since 1994 did little to change the North's single-minded determination. We pulled our nuclear weapons off the Peninsula in the early 1990s. We even reduced our forces at the Demilitarized Zone. Seoul agreed to a summit and significantly increased its economic ties.

Yet the North never changed its behavior. Worse, it engaged in a covert nuclear program in violation of its commitments with the U.S., South Korea, and the international community.

It became an active member of the A.Q. Khan proliferation network, likely exchanging nuclear expertise with Iran, Libya, and Pakistan. And it sold missiles to Libya and Iran.

It tested a series of seven missile launches, including a Taepodong-2, which has a range of 6,000 km. That missile didn't travel very far, but it underscored North Korea's continuing efforts to develop an inter-continental nuclear attack capability. It has additional Taepodong-2 missiles that it may yet test launch after resolving engineering problems.

The last straw came on October 9 when North Korea tested its first nuclear weapon. That pushed China and Russia to agree to a U.N. Security Council Resolution with tough sanctions. Yet experts still estimate that North Korea may be capable of producing as many as ten additional nuclear weapons.

Pyongyang has done everything it could to destabilize the region. How can we be sure this new agreement, albeit a "first step," is enough to start it on the path to denuclearize and demilitarize?

I am convinced that agreeing to anything less than the North's *complete, verifiable, and irreversible denuclearization, demilitarization, and cessation of hostilities and illicit activities* merely rewards it for escalating belligerent provocations. And it certainly sends the wrong message to other nuclear aspirants like Iran.

I fully realize that sometimes in diplomacy you cannot do everything at once. But I also know that diplomacy is both a confidence game and a test of strength and resolve for the long run.

It is on this last point that I am most worried about this agreement.

It looks as if, with rising tensions over Iran, President Bush wanted an agreement with North Korea so as not to be confronting two nuclear standoffs at the same time. Perhaps that is why we have seen the recent sense of urgency to get this done.

I am wary of that. That is precisely the time when bad deals are usually made: when extraneous or political circumstances intervene to force a deal that otherwise—as in the past—would be rejected.

The only thing preventing a successful agreement to this point has been the North's unwillingness to give up its nukes. The President's strategy of containment, counter-proliferation, law enforcement and engagement had begun to work.

My concern is that this agreement appears to depart from that strategy and let up on the pressure.

Yes, the North must shut down and seal Yongbyon, and it must allow IAEA inspectors back in to verify it. Yes, the North must provide a list of all of its nuclear programs. And it must "disable" all of its existing nuclear facilities.

But in exchange, we agreed to bilateral talks to normalize relations and remove North Korea from our list of terrorism-sponsoring states. We punted the tough decisions to working groups, which to this point have not been effective.

The North has been keen on manipulating the actors. It is a master of pocketing our concessions from agreements, while stonewalling on future promises. And it is expert at not only hiding things, but of pretending to comply with past agreements when it, in fact, is not doing so.

Yet most significantly, as the *Washington Post* pointed out this morning, the matter of what to do with North Korea's existing nuclear weapons and plutonium—enough for up to ten bombs—is unsettled. Its uranium enrichment program is not addressed.

So this agreement leaves open a clear decision by Pyongyang to forsake completely its nuclear weapons. And this was done with the recognition by the U.S. that it should help provide North Korea with support in terms of energy.

What a Good Agreement Should Include.

Everyone understands the complex economic, military and political components to the problem. But any agreement that does *not* deal directly with the North's nuclear and military capabilities will not resolve the problem.

Let me give you the six key components we were looking for in this agreement. Let me lay these out for you as a kind of a yardstick by which we can examine not just this "first" agreement, but any future negotiations.

- First, it must **fulfill the September 2005 Joint Statement**. This means the North not simply agrees to freeze activities at Yongbyon, but to a *complete, verifiable, irreversible dismantlement* of its entire nuclear weapons program, including plutonium- and uranium-based weapons, as well as a full accounting of its nuclear material and intrusive on-site inspections.
- Second, it should also address the means of delivering nuclear weapons by including **language from U.N. Resolution 1718**, specifically that "the DPRK shall abandon all other existing weapons of mass destruction and *ballistic missile programs* in a complete, verifiable and irreversible manner."
- Third, any security reassurances (or non-aggression pact) are made contingent on the North's **cessation of belligerent and threatening military behavior** and a commitment to follow-on discussions on confidence-building measures such as moving its forces away from the DMZ.
- Fourth, an acknowledgment by the U.S. that Pyongyang must take active steps to resolve the Japanese and South Korean **abductee issues** before it will take North Korea off its list of state sponsors of terrorism.
- Fifth, a stipulation that humanitarian and development aid, and North Korea's membership in international organizations such as the IMF and World Bank, is conditioned on **monitoring processes that prevent aid from being diverted away from its intended recipients**.
- And finally, such an agreement should include **a deadline** so that the North cannot keep dragging out these discussions and further destabilizing the region.

You can see why I am concerned. Many of these items appear not to be in the interim agreement.

There can be no doubt that the history of the Six-Party Talks has been difficult. And I don't for a minute underestimate the challenges U.S. diplomats face.

But we should remember how we got to where we are in these talks—to better avoid making mistakes yet again. The Six-Party Talks were based on hard lessons we learned since the Agreed Framework. Yes, they were at times disappointing, but they were an effective fulcrum that allowed us to put more and more pressure on Pyongyang. The Joint Agreement of September 2005, in which the North agreed to abandon its nuclear weapons programs, was a milestone. Meeting that commitment should be the baseline.

The second milestone was the sanctions imposed under U.N. Security Council Resolution 1718. These were an augmentation to the existing economic restrictions of the international community that impacted the North's elite trading and investment companies. The most publicized action has been Macao authorities freezing some \$24 million in assets in the Banco Delta Asia, which led other banks around the world to follow suit. The cumulative effect gave Kim Jong-il good reason to return to the Talks.

The North's illicit activities—its counterfeiting of currency, its drug smuggling and money laundering—reach every nation in the world, including America. They provide some \$500 million a year to the regime to spend as it sees fit. Strangle that

source of funding and you strangle the North's nuclear programs.

So, therefore, there are a host of other issues that must be considered when judging this interim agreement. Yes, it is mainly about the nuclear issue, but we should not forget the big picture.

Until we give this agreement the in-depth look and analysis it deserves, it is important to point out other things we should be doing—in the meantime—to maintain pressure on Pyongyang. For example,

- We can encourage the members of the United Nations to comply fully with the measures in Resolution 1718;
- We can target North Korean entities we find complicit in its illicit activities using every international financial, intelligence, and law enforcement tool;
- We can maintain and expand defenses against its WMDs and missiles;
- We can encourage China and South Korea to join the Proliferation Security Initiative and inspect suspected North Korean vessels for WMD and components technology;
- We can seek to strengthen international aid programs such as the U.N. Development Program, to ensure that no U.N. funds that go to North Korea can be directed toward its nuclear and missile programs;
- We can expose and speak out more forcefully against the North's human rights abuses, a situation Special Envoy Jay Lefkowitz calls an "Asian Darfur";

- And we can sign a free trade agreement with South Korea. This would show North Koreans that economic liberalization is a better path to prosperity than nuclear blackmail, statist policies, and isolation.

Let me close by saying that we all must be practical here. While we welcome any progress toward lessening the threat from North Korea, one of the lessons of the Agreed Framework is that we should not be so much so enamored with the mere appearance of making progress in the Talks that we lower the bar for success in the long run.

When the U.S. agrees to something, it tries to keep its word. Moreover, our agreements tend to become the baseline from which further concessions are expected, while the North has shown its unwilling to keep its promises.

We like to say that crafting a diplomatic agreement that serves our national interests is like building a house. Both need painstaking construction on top of a sound foundation, lest results go awry. I am not yet sure the Beijing agreement will do that. Perhaps I will learn something that will change my mind. Perhaps it may be possible to achieve our goal if the U.S. resolutely uses the follow-on negotiations to insist on stricter measures.

We'll have to wait and see. In the meantime, it looks as if we are again heading down yet another path of disappointment.

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