

Background

No. 2023
April 4, 2007



Published by The Heritage Foundation

Confronting the North Korean Nuclear Threat

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The Six-Party Talks agreement of February 2007 raised hopes that the long-standing North Korean nuclear weapons crisis would be resolved, but the Beijing Agreement has significant shortcomings that are cause for serious concern. Even though North Korea's covert nuclear weapons program using highly enriched uranium (HEU) triggered the current impasse, the agreement does not explicitly limit the program. Nor does it ensure that North Korea will divest itself of its existing nuclear weapons stockpile or delineate verification requirements to ensure that North Korea does not again cheat on its international obligations.

As negotiators flesh out the agreement's vague provisions, the U.S. needs to pursue a two-track policy to ensure that North Korea ends its nuclear weapons programs.

First, Washington should maintain pressure on Pyongyang to ensure compliance by:

- **Calling** on the international community to implement the sanctions against North Korean nuclear and missile programs contained in U.N. Security Council Resolution 1718;
- **Guarding** against North Korean proliferation of weapons of mass destruction (WMD);
- **Targeting** Pyongyang's illegal activities (e.g., counterfeiting, money laundering, and drug smuggling) through international financial restrictions and law enforcement; and
- **Highlighting** North Korean human rights violations.

Talking Points

- The shortcomings of the Six Party Talks agreement of February 2007 are cause for serious concern.
- The U.S. should insist that the follow-on agreements explicitly address North Korea's uranium programs, dismantlement of its nuclear facilities, and abandonment of its nuclear weapons.
- Verification will be the key to preventing North Korea from violating its international commitments again. Successfully denuclearizing North Korea will require a rigorous and invasive verification regime, including short-notice challenge inspections of non-declared facilities.
- Humanitarian and development assistance should be conditioned on stringent monitoring requirements to prevent the diversion of aid.
- Formal diplomatic relations should be conditioned on complete denuclearization, cessation of illegal activities, and improvement in North Korea's human rights record.
- Since most experts are skeptical that Pyongyang will give up its nuclear weapons, the U.S. should begin contingency planning for alternative outcomes.

This paper, in its entirety, can be found at:
www.heritage.org/research/AsiaandthePacific/bg2023.cfm

Produced by the Asian Studies Center

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002-4999
(202) 546-4400 • heritage.org

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Second, the U.S. should insist that negotiations unequivocally cover North Korea's plutonium and uranium programs, dismantlement of nuclear facilities, and disposal of fissile material and nuclear weapons. Washington should insist on a rigorous and invasive verification regime, similar to the regimes for the Strategic Arms Reduction Talks (START), Intermediate-Range Nuclear Forces (INF), and Conventional Armed Forces in Europe (CFE) treaties. Only through extensive verification measures that achieve total transparency of Pyongyang's nuclear program can the Six-Party Talks confidently and successfully denuclearize North Korea.

The Roots of the Current Crisis

In October 2002, then-U.S. Assistant Secretary of State James Kelly confronted North Korean officials with accusations that Pyongyang was pursuing a covert HEU nuclear weapons program. Although the 1994 U.S.–North Korea Agreed Framework focused on constraining the plutonium-based nuclear weapons program at the Yongbyon nuclear facility, it also referenced the 1992 North–South Joint Denuclearization Declaration in which both Koreas pledged not to possess uranium enrichment facilities.¹ The HEU program also violated North Korea's commitment to the Non-Proliferation Treaty (NPT) and International Atomic Energy Agency (IAEA) Safeguards Agreement.

North Korea's acknowledgement of the HEU program during the bilateral meeting, which it later publicly denied, led the U.S. to stop deliveries of heavy fuel oil and construction of the two light-water reactors in North Korea that were stipulated under the Agreed Framework. Pyongyang responded by evicting IAEA inspectors, withdrawing from the NPT, reactivating the reactor, and reprocessing the spent nuclear fuel into additional nuclear weapons.

It is significant that North Korea began its HEU program in the late 1990s in a benign threat envi-

ronment under U.S. President Bill Clinton and South Korean President Kim Dae-jung.² Both were intent on engaging North Korea and providing diplomatic and economic benefits in return for non-threatening behavior by Pyongyang. The timing belies Pyongyang's assertions that the program was born of an inherent fear of foreign threat and in response to President George W. Bush's foreign policy. Pyongyang's decision to violate its international denuclearization commitments when it was receiving large-scale aid, engaged in missile negotiations with the U.S., and meeting with the South Korean president and U.S. Secretary of State Madeleine Albright does not bode well for the veracity of any future denuclearization commitments.

U.S. Estimates of the HEU Program

Some U.S. policymakers suggested that the U.S. intelligence community was uncertain about the HEU program. In late February 2007, Assistant Secretary of State Christopher Hill, lead negotiator for the Six-Party Talks, stated regarding North Korea's purchase of aluminum tubes for centrifuges:

[If they] did not go into a highly enriched uranium program, maybe they went somewhere else—fine. We can have a discussion about where they are and where they've gone. It's a complex program, it would require a lot more equipment than we know that they have actually purchased. It requires some considerable production techniques, that, we're not sure they've mastered those.³

Negotiators may have intended these comments to lower the bar for North Korean compliance by allowing Pyongyang to admit to only an experimental HEU program. Such tactics, however, reduce Washington's negotiating leverage, and Washington should expect North Korean negotiators to exploit it.

1. "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea," October 21, 1994, at www.kedo.org/pdfs/AgreedFramework.pdf (accessed March 15, 2007), and "Joint Declaration of the Denuclearization of the Korean Peninsula," January 20, 1992, at www.state.gov/t/acr/rls/or/2004/31011.htm (March 15, 2007).
2. Leonard Weiss, "Turning a Blind Eye Again?" Arms Control Association, March 2005, and David E. Sanger, "U.S. Widens View of Pakistan Link to Korean Arms," *The New York Times*, March 14, 2004, p. 1.
3. Christopher R. Hill, Assistant Secretary of State for East Asian and Pacific Affairs, testimony before the Committee on Foreign Affairs, U.S. House of Representatives, February 28, 2007.

Former senior U.S. government officials directly involved in negotiations with the North Koreans indicate that the intelligence community was unanimous in its 2002 assessment that North Korea had an active program to acquire materials for enriching sufficient uranium to develop weapons. Where disagreements existed, they were over the extent of the progress that North Korea had made or would likely make toward achieving a covert capability to produce uranium.⁴

Pakistani President Pervez Musharraf subsequently admitted that renegade nuclear scientist A. Q. Khan provided uranium hexafluoride (UF₆), centrifuges, and other technical assistance to North Korea.⁵ With centrifuges and UF₆, North Korea has the means and material to produce fuel-grade and even weapons-grade uranium. In February 2007, the head of South Korea's National Intelligence Service told the National Assembly that North Korea has an HEU program.⁶

Joseph DeTrani, the intelligence community's Korea Mission Manager, told a congressional panel in late February that the U.S. had high confidence in 2002 that North Korea was pursuing an HEU program. Since that time, he added, "All of the intelligence agencies judge, most with moderate confidence, that this effort continues."⁷ North Korea's lack of success so far may be due to technical difficulties or to international nonproliferation pressure and financial restrictions. Deputy Secretary of State and former Director of National Intelligence John Negroponte stated on March 5 that he had "no doubt" that North Korea has had an HEU program and that this "continues to be the judgment of the Intelligence Community."⁸

Downplaying the HEU program's significance to allow Pyongyang to claim an alternative purpose

would be a serious mistake. Washington's self-imposed ambiguity reduces its negotiating leverage and creates an opening for North Korean negotiators to exploit.

Averting a Crisis: The September 2005 Joint Statement

After several inconclusive negotiating rounds, participants in the Six-Party Talks prevented the collapse of multilateral nuclear negotiations by agreeing to a vaguely worded joint statement in September 2005. This minimalist statement of principles postponed any U.S. ability to bring the North Korean nuclear issue to the U.N. Security Council and reduced the potential for Washington to gain Chinese, South Korean, or Russian backing for increased pressure on North Korea.

At the same time, Pyongyang was deterred from escalatory behavior until it felt it was not achieving its strategic objectives through negotiations. Although diplomats maintained the viability of a diplomatic resolution to the nuclear impasse, none of the contentious issues that divided the U.S. and North Korea were resolved.

The Long, Bumpy Road to the Beijing Agreement

North Korea's launch of a long-range missile on July 4, 2006, and first test of a nuclear weapon on October 9, 2006, brought about the resumption of Six-Party Talks after a 13-month hiatus. By demonstrating a willingness to engage in extremely provocative behavior, Pyongyang increased regional tension and forced the U.S. to reengage. Yet the regime itself, economically weakened by international financial restrictions, was brought back to negotiations by the unexpectedly strong U.N. response to the nuclear test and pressure from China.

4. Author's interviews with former U.S. policymakers, February 2007.

5. Pervez Musharraf, *In the Line of Fire: A Memoir* (New York: Free Press, 2006).

6. Editorial, "Who Cares About N. Korea's Uranium Program?" *The Chosun Ilbo*, February 22, 2007, at <http://english.chosun.com/w21data/html/news/200702/200702220009.html> (March 20, 2007)

7. Joseph DeTrani, mission manager for North Korea, Office of the Director of National Intelligence, testimony before the Committee on Armed Services, U.S. Senate, February 27, 2007.

8. Lee Jin-woo, "Negroponte Pushes for N. Korea to Come Clean on HEU," *The Korea Times*, March 6, 2007, at <http://times.hankooki.com/lpage/nation/200703/kt2007030623243111990.htm> (March 20, 2007).

U.S.-led restrictions against North Korean illicit activities, including counterfeiting and money laundering, had significantly affected the regime's economic well-being. Moreover, foreign banks and companies had become increasingly wary of dealing with North Korea, no matter how legitimate the business, for fear that the U.S. might later identify them as accomplices in illegal transactions.

In September 2005, two Chinese banks froze assets affiliated with North Korean entities suspected of WMD proliferation or illicit activities. Additional Chinese banks imposed restrictions on North Korean financial transactions after the July 2006 missile launches and, according to Chinese trade data, cut off fuel deliveries to North Korea during September.

Kim Jong-il likely assessed that transferring the nuclear issue from the Security Council to the Six-Party Talks would dull the edge of international anger over North Korea's nuclear test and avert additional sanctions; hinder U.S. efforts to gain Chinese, Russian, and South Korean support for firmly implementing Resolution 1718; prevent Beijing and Seoul from joining the Proliferation Security Initiative; and allow resumption of Chinese and South Korean economic aid.

The Bush Administration was motivated to be flexible to avoid having to confront North Korea and Iran simultaneously over their nuclear weapons programs when U.S. public support was declining because of the deteriorating security situation in Iraq. The Administration was weakened by an overextended military, growing criticism by Republican Members of Congress, and the November 2006 election in which the Democratic Party took control of Congress.

The Beijing Agreement: First Step on a Long Journey or a Treadmill?

The Beijing Agreement defused regional tensions by extending the diplomatic process and deferring international confrontation over North Korea's

nuclear test, but it did not resolve any of the contentious issues that divide the U.S. and North Korea. Although the accord provides significant momentum for follow-on discussions, reaching agreement on (to say nothing of implementing) full North Korean denuclearization will require long, arduous negotiations.

Speed Bumps on the Road to Denuclearization.

Shortly after the Beijing Agreement was reached, differing interpretations arose over the terms of the accord. North Korean negotiator Kim Gye-gwan asserted that Washington had promised that it would quickly remove North Korea from the U.S. list of state sponsors of terrorism, a position refuted by the U.S. State Department.⁹ He also insisted on March 9 that Pyongyang's agreement to halt operations at the Yongbyon nuclear reactor was contingent on the U.S. lifting its economic restrictions against North Korea and that a U.S. failure to comply would force North Korea to take "corresponding steps," such as only partially freezing operations at Yongbyon if sanctions were only partially lifted.¹⁰

In March, the collapse of bilateral North Korean-Japanese normalization talks after only two 45-minute sessions reflects Pyongyang's intent to pursue selective progress in the Six-Party Talks. North Korea will likely allow initial progress in other working groups to isolate Japan and undermine Tokyo's insistence on resolving the abductee issue.

Fleshing Out the Beijing Agreement

Follow-on negotiations will determine the extent to which the six-party process succeeds in gaining North Korea's acquiescence to abandoning its nuclear weapons programs. The U.S. strategy is to achieve a series of progressively more detailed joint statements rather than striving for a comprehensive arms control treaty that delineates all requirements. Although designed to lure North Korea into lowering its nuclear guard through incremental diplomatic and economic benefits, the Beijing Agreement nonetheless has allowed

9. JoongAng Ilbo, "Kim: North off Terrorism List," *JoongAng Daily*, March 9, 2007, at <http://joongangdaily.joins.com/article/view.asp?aid=2873256> (March 29, 2007), and Chosun Ilbo, "No Quick Removal from US Terror List for N. Korea," March 14, 2007, at <http://english.chosun.com/w21data/html/news/200703/200703140028.html> (March 20, 2007).

10. Agence France-Press, "North Korea Warns US to Keep Promise on Lifting Sanctions," March 10, 2007, and Associated Press, "North Korea Wants Sanctions Lifted," March 9, 2007.

Pyongyang to defuse international pressure against its nuclear weapons programs.

South Korea and China, which have significant stakes in engaging North Korea, will be reluctant to abandon the process even if Pyongyang fails to abide by its commitments. If confronted with North Korean noncompliance, Seoul and Beijing would likely call for greater U.S. flexibility to resolve the dispute.

Although a litany of issues needs to be resolved, the principal sticking points will be the scope of denuclearization, the sequencing of benefits for denuclearization, verification measures, and North Korea's demand for alternative energy sources.

Scope of Denuclearization. The lack of an explicit reference to North Korea's HEU program is troublesome. Proponents of the Beijing Agreement assert that the issue is implicitly covered by the plural reference to "nuclear weapons programs" and the allusion to the 1992 North-South Korea Denuclearization Declaration, which specifies that both countries "shall not possess nuclear reprocessing and uranium enrichment facilities."

Similarly, there are uncertainties over the definitions of "abandon" and "disable" with regard to North Korea's nuclear weapons program. Washington assesses the terms as interim steps toward the destruction of all nuclear-related facilities and the removal of nuclear weapons from North Korea. Yet shortly after signing the Beijing Agreement, North Korea asserted that it had committed only to a "temporary disablement" of the Yongbyon nuclear reactor.¹¹ Media reports indicate the U.S. initially sought to include references to the HEU program and use of "dismantlement" but backed off when rebuffed by North Korea.¹²

Effective Verification. Assistant Secretary Hill stated during congressional testimony that there were no current plans for the IAEA to get access to any site other than Yongbyon. Yet Resolution 1718, passed in response to North Korea's nuclear test,

declares that the Security Council "decides that the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable, and irreversible manner [and] strictly in accordance with the obligations of [the NPT and IAEA Safeguards Agreement]."¹³

Verification will be the key to preventing North Korea from cheating again on its international commitments. This will require a rigorous and invasive verification regime similar to the regimes of the Strategic Arms Reduction Talks (START), Intermediate-Range Nuclear Forces (INF), and Conventional Armed Forces in Europe (CFE) treaties. Six-Party Talks participants should not replicate provisions in the Agreed Framework that allowed North Korea to defer IAEA inspections of suspect nuclear sites for years.

The inspection protocol would allow for baseline inspections of declared nuclear-related facilities, including storage sites for fissile material and nuclear weapons. This would allow for technical sampling to refine estimates of the amounts of plutonium and HEU produced. Provisions for challenge inspections would designate points of entry into North Korea by inspectors, the maximum allowable time between declaration of site to be inspected and arrival by inspectors, allowable inspection equipment, and definition of areas subject to inspection.

The destruction protocol would identify which production and enrichment equipment would need to be destroyed and delineate required destruction methods (e.g. cutting, crushing, or removal). It would allow for international inspectors to observe the destruction at pre-declared facilities.

Only through extensive verification measures that achieve total transparency of Pyongyang's nuclear program can the Six-Party Talks confidently and successfully denuclearize North Korea.

Sequencing Benefits. Pyongyang sees normalization of diplomatic relations as fulfilling a long-

11. CNN, "N. Korea Agrees to Halt Nuclear Program," February 14, 2007.

12. Kyodo News, "Final Six Party Accord Dropped Abandonment of Nuclear Arms from First Draft," February 26, 2007.

13. U.N. Security Council Resolution 1718, October 14, 2006, at <http://www.un.org/News/Press/docs/2006/sc8853.doc.htm> (April 2, 2007).

standing foreign policy objective to gain international legitimacy and recognition as an equal of the U.S. Removal from the list of state sponsors of terrorism would enable North Korea to apply for aid from international organizations such as the International Monetary Fund and the World Bank.

However, attaining these objectives requires fulfilling conditions beyond denuclearization. Pyongyang has been told that before it can be removed from the terrorism list, it must address its involvement in the 1983 attempted assassination of the South Korean president in Rangoon, the 1987 bombing of a Korean Air plane, and the harboring of Japanese Red Army Faction terrorists. U.S. officials have commented that North Korea should also address its abductions of Japanese and South Korean citizens. Yet it remains unclear whether or not Washington will require a full resolution of that issue before removing North Korea from the list.

Assistant Secretary Hill has commented that normalizing relations with a nuclear North Korea would be difficult to imagine, suggesting that the process will be longer than Pyongyang may expect. Before formalizing diplomatic relations, the U.S. should insist on complete denuclearization; cessation of illegal activities (counterfeiting of currency and pharmaceuticals, money laundering, and drug smuggling); and improvement in its human rights record.

Concerns have arisen in the past that international humanitarian aid was diverted to the military or other unintended recipients (for example, after revelations that North Korea had diverted donations from the U.N. Development Program to the Kim Jong-il regime). The extent is unknown, but North Korean impediments to monitoring led several nongovernmental organizations to cease operations. The North Korean Human Rights Act conditions any “significant increases” in U.S. humanitarian assistance on “substantial improvements in transparency, monitoring, and access to vulnerable populations.”¹⁴

The U.S. policy reversal encapsulated in the Beijing Agreement will make Seoul feel less constrained in resuming its largely unconditional provision of aid to North Korea, which had been halted following Pyongyang’s 2006 long-range missile launch and nuclear test. However, South Korea has been reluctant to demand stringent monitoring requirements for fear of alienating Pyongyang and risking its engagement policy.

Provision of Alternative Energy Sources. North Korea had conditioned its acceptance of the September 2005 Joint Statement on the other nations providing two light-water reactors (LWRs) as stipulated in the 1994 Agreed Framework. The U.S. responded that Pyongyang had lost its right to civilian nuclear reactors due to its covert HEU program. Assistant Secretary Hill commented in September 2005 that providing LWRs was a “non-starter” because:

North Korea has pursued a nuclear program for 25 years and used it solely to make weapons-grade plutonium for atomic bombs—not for generating electricity. Not a single light bulb has been turned on as a result of the nuclear reactor in North Korea.¹⁵

Seoul’s attempt to resolve the dispute by offering to provide 2 million kilowatts of electricity annually backfired when Pyongyang deftly pocketed the concession and continued to demand the LWRs. South Korea’s electricity proposal will cost an estimated \$11 billion through 2018, according to Korea Electric Power Corporation estimates. Seoul has already contributed 70 percent of the \$1.5 billion spent to date on the \$4.5 billion LWR project.¹⁶

Since the dispute threatened to derail efforts to achieve a Joint Statement, delegates deferred the issue and simply “expressed their respect and agreed to discuss, at an appropriate time, the subject of provision of [a] light water reactor to the DPRK.”¹⁷

Although the Beijing Agreement made no reference to LWRs, North Korea is unlikely to abandon

14. 22 U.S. Code 7832.

15. Christopher R. Hill, “Resumption of Fourth Round of Six-Party Talks: Evening Transit China World Hotel,” Beijing, September 14, 2005, at www.state.gov/p/eap/rls/rm/2005/53277.htm (March 20, 2007).

16. Yonhap News, “Power Aid to N. Korea Estimated to Cost Big,” July 15, 2005.

the demand. Pyongyang sees LWRs as a matter of national pride, a capability to generate power domestically that cannot be turned off by the U.S. or South Korea, a means to divide its opponents, and a negotiating ploy to divert attention away from its nuclear weapons programs.

Pyongyang's negotiators will likely resurrect their LWR demands during later stages of negotiation as the required payment for giving up fissile material and nuclear weapons. Vice Foreign Minister Kim Gye-gwan told Charles Kartman, U.S. special envoy for Korean Peninsula affairs under the Clinton Administration, that Pyongyang would demand LWRs in return for denuclearization.¹⁸ The U.S. should not accept North Korean demands for LWRs. If alternative power sources become an inducement in the latter stages of the six-party process, the focus should be on thermal power plants.

Change of Heart or Change of Tactics?

Successful diplomatic resolution of the nuclear impasse will require a fundamental shift in North Korea's strategy, but such a shift is unlikely. Most experts doubt that Pyongyang will give up the strategic benefits of its nuclear weapons programs since they provide regime survival, deterrence against U.S. attack, enhanced prestige, and leverage for economic benefits. Kim Jong-il will be emboldened by perceptions that Washington does not have a military option—due to Seoul's proximity to the DMZ, the Iraqi security situation, and the potential face-off with Iran. Deputy Foreign Minister Kang Sok-ju said in November 2006, “[W]hy would we abandon nuclear weapons? Are we saying we conducted a nuclear test in order to abandon them?”¹⁹

U.S. negotiators admit they are not sure whether or not North Korea has made the strategic decision

to give up nukes. A *Chosun Ilbo*/Gallup Korea poll following the February 13 Beijing agreement indicated that 77 percent of South Korean respondents, usually the most complacent about North Korean intentions, did not believe Kim Jong-il would abandon his nuclear programs.²⁰ A *Wall Street Journal*/NBC News Poll indicated that 62 percent of U.S. respondents thought the Beijing Agreement “will not make a real difference in ending North Korea's nuclear program.”²¹

Implications of Failed Talks

By building momentum for the Six-Party Talks through initial conciliatory gestures, North Korea may be seeking to gain acceptance for future non-compliance, such as an incomplete data declaration. Washington would then face a choice between ratcheting up pressure with limited international support or acquiescing to North Korean demands. South Korea, China, and Russia would rebuff any measures to punish North Korea, such as cutting aid deliveries or reimposing economic sanctions. Seoul, Beijing, and Moscow would instead press Washington to reduce its negotiating demands and show greater “flexibility.”

An impasse in the Six-Party Talks works in Pyongyang's favor, providing a diplomatic victory by gaining *de facto* international acceptance of North Korea as a nuclear state. The outrage that marked the initial U.N. response to North Korea's July missile launch and October nuclear test has dissipated.

An inability by Pyongyang to gain its strategic economic and diplomatic objectives could lead it to resume high-risk confrontation tactics. Kim Jong-il's range of potential escalatory actions includes a reversal of pledges to freeze reactor operations at Yongbyon, additional nuclear and missile tests, pro-

17. “Joint Statement of the Fourth Round of the Six-Party Talks Beijing,” September 19, 2005, at www.state.gov/r/pa/prs/ps/2005/53490.htm (March 20, 2007).

18. Takashi Sakamoto, “North Korea to Demand Light Water Reactor,” *The Daily Yomiuri*, March 16, 2007, at www.yomiuri.co.jp/dy/world/20070306TDY01002.htm (March 20, 2007).

19. Associated Press, “Report: N. Korea Won't Abandon Nukes,” *The Washington Post*, November 22, 2006, at www.washingtonpost.com/wp-dyn/content/article/2006/11/21/AR2006112100338.html (March 20, 2007).

20. Editorial, “Koreans Want End to Infighting Among GNP Hopefuls,” *Chosun Ilbo*, February 20, 2007, at <http://english.chosun.com/w21data/html/news/200702/200702200005.html> (March 20, 2007).

21. Angus Reid Global Monitor, “Americans Doubtful About North Korea Plan,” March 15, 2007, at www.angus-reid.com/polls/index.cfm?fuseaction=viewItem&itemID=15029 (March 20, 2007).

vocative actions along the DMZ or maritime demarcation line, shadowing or intercepting U.S. reconnaissance aircraft, division-level or corps-level military exercises outside of normal training cycles, and announcement of wartime preparations by the military and populace. Pyongyang might conduct such actions in conjunction with diplomatic entreaties to gain Chinese and South Korean support.

A failure of the Six-Party Talks to achieve Pyongyang's denuclearization will lead to more North Korean nuclear weapons, which would pose a greater proliferation risk. An increased nuclear weapons inventory alters the military balance on the Korean Peninsula because it enables North Korea to shift strategies from nuclear deterrence to nuclear warfighting, provides second-strike capability, and could trigger a regional arms race.

North Korea's Growing Nuclear Arsenal. Estimates of North Korea's nuclear weapons are inexact and based on a series of assumptions. Most experts assume that Pyongyang has reprocessed approximately 50 kilograms of weapons-grade plutonium—enough for eight to 12 nuclear weapons. How many weapons North Korea has produced is not known.²²

In the absence of a negotiated settlement, North Korea could have an additional five nuclear weapons by 2012 on its current trajectory. Although the two long-range missile test launches in 1998 and 2006 were failures, Pyongyang will likely have the capability by 2012 to attack the western U.S., if not the entire country, with its nuclear-capable Taepo Dong missile.²³

Greater Proliferation Risk. Mounting global criticism of the U.S. invasion of Iraq and a concurrent suspicion of U.S. intelligence estimates have led to an aversion to the forceful diplomacy that is necessary to

prevent the current nonproliferation regime from collapsing. International acquiescence to the spread of nuclear weapons undermines the effectiveness of the NPT and the U.N. Security Council. This, in turn, sends a signal to Iran and other aspiring nuclear weapons states that the U.N. lacks resolve, thereby increasing the potential for proliferation of weapons, components, and technology.

Detecting and preventing a North Korean nuclear shipment to a rogue state such as Iran or to a terrorist group would be extremely difficult, and preventing a nuclear weapon from entering the U.S. in a shipping container would be nearly impossible. The best way to prevent nuclear proliferation is to eliminate the North Korean nuclear programs.

Pyongyang must assume that a terrorist group would use a nuclear weapon provided by North Korea against the U.S. and that Washington could trace it back to North Korea. Since this would likely lead to a U.S. retaliatory strike, the risk to the survival of North Korea's regime outweighs any financial benefit from selling to a terrorist group. Providing a nuclear weapon to Iran would be less risky but could still trigger U.S. retribution. That said, an increasingly isolated North Korea desperate for cash may eventually choose to proliferate.

What the U.S. Should Do

Given previous North Korean negotiating behavior, the Six-Party Talks should clearly delineate Pyongyang's responsibilities to close every potential loophole and prevent a recurrence of its characteristic tactic of continuing negotiations after signature. To this end, and to address the specific problems outlined above in an effective manner:

- Participants should rebuff any attempts by North Korea to hijack the Six-Party Talks to assuage all of the intrinsic security concerns that supposedly

22. Siegfried Hecker and William Liou, "Dangerous Dealings: North Korea's Nuclear Capabilities and the Threat of Export to Iran," Arms Control Association, March 2007; Monterey Institute of International Studies, Center for Nonproliferation Studies, "Special Report on the North Korea Nuclear Weapons Statement," February 11, 2005, at <http://cns.miis.edu/pubs/week/050211.htm> (March 29, 2007); and Sharon Squassoni, "North Korea's Nuclear Weapons: How Soon an Arsenal?" Congressional Research Service, May 12, 2005.

23. Monterey Institute of International Studies, Center for Nonproliferation Studies, "Special Report on North Korean Ballistic Missile Capabilities," March 22, 2006, at <http://cns.miis.edu/pubs/week/pdf/060321.pdf> (March 29, 2007), and National Intelligence Council, "Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015," September 1999.

led Pyongyang to pursue nuclear weapons. Doing so would condone shifting blame from North Korea's escalatory behavior and open the door to escalating demands, including withdrawal of all U.S. military forces from South Korea.

- Washington should underscore that its willingness to continue discussions is not an open-ended commitment. U.S. officials should recommend imposing a timetable for progress and a deadline for completion to prevent Pyongyang from dragging out negotiations and solidifying international *de facto* recognition of North Korea as a nuclear weapons state.
- The U.S. should rebuff Seoul's measured approach, as encapsulated by a South Korean official after the Berlin talks: "It will take a long time, maybe two or three years if that soon, just to lay out steps for every stage in the Sept. 19 agreement."²⁴
- To enable a more comprehensive public debate over future Six-Party Talks agreements, the U.S. intelligence community should prepare an unclassified National Intelligence Estimate that updates its assessments of North Korea's nuclear weapons and missile programs. A corresponding classified version with detailed information would allow congressional intelligence committees to serve as proxies for American citizens on intelligence matters.
- The U.S. should insist that follow-on agreements explicitly reference both the plutonium-based and uranium-based nuclear weapons programs.
- The U.S. should develop a common understanding of the requirement to destroy North Korea's capability to make nuclear weapons by mandating detailed technical requirements for the destruction or removal of critical production components.
- The follow-on agreement should provide for securing all fissile material and fuel rods and placing them under international monitoring and control as a prelude to eventually disabling all nuclear weapons and removing them from North Korea.
- North Korea should announce its intent both to rejoin the Non-Proliferation Treaty and IAEA Safeguards Agreement immediately and to abide by all required provisions.
- U.S. officials should insist that North Korea fully disclose all plutonium-related and uranium-related facilities, including geographic coordinates and functions, and produce a list of all production equipment, fissile material, and nuclear weapons. Any failure to include HEU-related facilities and equipment in the data declaration would raise questions about Pyongyang's motives.
- Pyongyang should provide this information within 30 days of the initial working-group meeting and should be warned that any omissions will hamper its eligibility to receive benefits.
- Washington should insist on the right to conduct short-notice challenge inspections of non-declared facilities for the duration of the agreement to redress any questions about North Korea's nuclear weapons programs. This would include the two suspect sites that North Korea refused to allow IAEA officials to inspect in 1992, precipitating the first nuclear crisis.
- The denuclearization working group should outline procedures for unrestricted IAEA inspections throughout North Korea, and the U.S. should link the provision of significant benefits to North Korea to the successful implementation of verification procedures.
- The Six-Party nations should condition future humanitarian aid, development assistance, and membership in international organizations such as the International Monetary Fund and the World Bank on monitoring requirements to prevent the diversion of aid.
- The Bush Administration should call upon South Korea and China not to provide unilateral aid and assistance beyond that included in a multilateral nuclear agreement. Such aid should count against the 950,000 tons of heavy fuel oil or equivalent economic, energy, and humanitarian assistance stipulated in the Beijing Agreement.

24. Byun Duk-kun, "New Round of N. Korean Nuclear Talks Likely to Mark Progress, But No End," Yonhap News, January 24, 2007, at <http://english.yna.co.kr/Engnews/20070124/61000000020070124162831E4.html> (March 29, 2007).

- Washington should advocate imposing conditionality in South Korean economic engagement, including reconnection of the inter-Korean railroad, Kaesong Development Zone, and Kumgangsan tourist venture.

Conclusion

It is important for the U.S. to engage in multi-lateral negotiations as a means to test North Korea's commitment to rid itself of nuclear weapons. By engaging in a good-faith effort to resolve the nuclear impasse diplomatically, the U.S. can better leverage South Korea, China, and Russia for stronger measures against North Korea if the Six-Party Talks collapse.

During these negotiations, however, the U.S. cannot acquiesce to North Korean pressure tactics nor abandon its principles of adhering to international agreements and punishing those who violate

them. To do so would risk going from an ineffective North Korean policy to a dangerous one. Failure to ensure that North Korea lives up to its agreements not only rewards Pyongyang for bad behavior, but also encourages the regime to continue doing so.

Even if the U.S. attains the negotiating goals suggested in this paper, the Six-Party Talks will fail if North Korea has not made the strategic decision to give up its nuclear weapons completely. A collapse of the talks or even a prolonged stalemate has dire ramifications for regional stability and international nonproliferation efforts. Because few experts believe that North Korea will fully comply with its commitments, the U.S. should begin contingency planning for alternative outcomes.

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