

WebMemo



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North Korea: Clouds Block the Sunshine at the Six-Party Talks

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North Korea's failure to meet yet another negotiating deadline raises more doubts about its commitment to get rid of its nuclear weapons. Other events of recent weeks raise disturbing new questions about U.S. policy toward North Korea. The Six-Party Talks have reached an impasse due to conflicting interpretations over the level of detail Pyongyang must provide on its nuclear weapons programs, a shortfall brought on by U.S. acquiescence to vague negotiating text. The most recent joint statement called on North Korea to desist, disable, declare, and dismantle its nuclear weapons programs. It appears that Pyongyang has added deny, deceive, and delay to the mix. And it appears that U.S. negotiators, in an attempt to shield the talks, concealed the fact that North Korea made an inadequate declaration.

The magnitude of the dispute between the U.S. and North Korea over critical aspects of the data declaration will make it more difficult for diplomats to continue papering over differences. Instead, the U.S. and its allies must be resolute on insisting that North Korea declare the number of nuclear weapons and amount of fissile material that it has, as well as provide full transparency of its uranium-based weapons program and proliferation activities. Six-Party Talks participants should withhold additional economic or diplomatic benefits for North Korea until it fully complies with these obligations and allows verification inspections. It would also be prudent to prepare contingency measures, including the sanctions called for under U.N. Resolution

1718 and, in the longer term, returning the nuclear impasse to the U.N. Security Council (UNSC).

North Korea's Obligations. North Korea agreed in the October 2007 Six-Party Talks joint statement to "provide a complete and correct declaration of all its nuclear programs...by 31 December 2007." This requirement followed its February 2007 agreement to "discuss with other parties a list of all its nuclear programs [within 60 days]."

Beyond violating the December 31 deadline, North Korea remains in defiance of U.N. Security Council Resolution 1718 of October 2006. In response to North Korea's nuclear weapons test that month, the U.N. Security Council demanded that North Korea immediately rejoin the Non-Proliferation Treaty and comply with the International Atomic Energy Agency (IAEA) nuclear safeguards. The UNSC also decided that Pyongyang should "abandon all nuclear weapons and existing nuclear programs in a complete, verifiable, and irreversible manner...[and provide] access to individuals, documentation, equipments and facilities."

Conflicting Interpretations of Disclosure Requirements. The Six-Party Talks joint statements were flawed because they failed to delineate the

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extent of North Korea's data declaration requirements. The Bush Administration has stipulated that Pyongyang must fully disclose its nuclear weapons and fissile material, the extent of its program to covertly develop uranium-based nuclear weapons, and any proliferation activity with other nations.

North Korea claims it provided a complete nuclear declaration to the United States in November 2007, one month before the deadline. Pyongyang's official statement, that it "has done what it should do," matches private statements to visiting officials that it does not intend to provide more information. At that time, the expected deficiencies in North Korea's declaration likely influenced the U.S. delegation to decide against formally presenting the document at the next round of negotiations, which would have taken place in early December 2007. The need to keep sensitive details secret is understandable; but to conceal the fact that a declaration was made, and essentially negotiated, undermines the Administration's credibility.

North Korean non-compliance is not a mere inconvenience or speed bump; it is a brick wall that should halt further progress until completely resolved. The data declaration deals with the core requirements of the Six-Party Talks process; namely, full denuclearization and transparency. Described in further detail below, Pyongyang may have already crossed the red line drawn by the Bush Administration on North Korean nuclear proliferation to other rogue nations.

Waiting for the Other Shoe to Drop, or Waiting for Godot? It remains unknown whether North Korea's intransigence reflects standard negotiating tactics or an unwillingness to ever denuclearize. If the former is the case, Pyongyang would be expected to raise the price for its compliance by resurrecting previous demands such as light-water reactors or a non-aggression pact. But the latter seems more likely. Throughout the negotiations, North Korean officials have indicated a goal of gaining international recognition as a nuclear weapons state and giving up only the capability of producing nuclear weapons in the future.

North Korea's defiant posture marks a rejection of Washington's efforts to get the regime to come clean on its uranium weapons program. With the

ball back in the U.S. court, two developments have constrained Assistant Secretary of State Christopher Hill's negotiating room and increased skepticism about the nuclear agreement: the exposure of possible North Korean nuclear proliferation to Syria, thus crossing the U.S.-drawn red line; and the revelation that North Korean aluminum tube samples contained uranium traces.

The big issue now is how low the U.S. will go to maintain momentum in the Six-Party Talks. The Bush Administration, entering its final year and longing for a foreign policy legacy, will be increasingly tempted to accept Pyongyang's half-hearted compliance as sufficient justification to continue negotiations. The Administration adopted a firmer line on the data declaration only following criticism of its stonewalling about possible North Korean nuclear proliferation to Syria.

The U.S. may even claim sufficient progress to justify providing all economic and diplomatic benefits called for in the joint statement and convening a meeting of the foreign ministers. That course of action, however, risks undermining the potential to finally achieve a full denuclearization of the Korean Peninsula.

Verification: The Next Test. If the two sides are able to resolve the data declaration imbroglio, the next hurdle will be negotiating sufficient verification measures to prevent a recurrence of North Korean cheating. Several months ago, when there was still optimism over the forthcoming data declaration, a Bush Administration official downplayed the need for strenuous verification: "Most of it should be pretty quick if it meshes with U.S. Intelligence Community estimates." However, subsequent North Korean statements saying that it had produced 30kg of plutonium—significantly less than U.S. Intelligence Community estimates of 50kg—underscores the need for an extensive verification regime.

The Bush Administration, however, is unlikely to demand requisite verification measures without outside pressure.

What the U.S. Should Do. The United States should take the following steps to induce North Korea to comply with its commitments:

- Acknowledge the revised declaration when it is offered—however inadequate it may be.
- Avoid the past U.S. tendency to offer more benefits in an attempt to break the logjam caused by North Korean intransigence.
- Impose a hiatus on providing any additional economic or diplomatic benefits. Six-Party Talks meetings can continue, but they should not be “business as usual” until North Korea completes its obligations.
- Do not remove North Korea from the list of state sponsors of terrorism until it has fulfilled all legal requirements as well as admitted to previous terrorist acts. Reducing these issues to a nuclear negotiating chip would trivialize human rights issues, including the fate of Japanese abductees.
- Insist on adequate monitoring requirements to verify the data declaration once it is provided. An extensive verification protocol should include a sufficient quota of short-notice, “challenge” inspections of suspect sites.
- Request that President-elect Lee Myung-bak delineate and announce the linkages between South Korea’s ongoing and future economic incentives and the concrete steps North Korea must take toward nuclear compliance.
- Integrate South Korea’s unilateral aid to North Korea into the conditionality of multilateral Six-Party Talks process. Also, any deal should include World Food Program monitoring standards to ensure Pyongyang does not divert humanitarian assistance.
- Urge South Korea to impose conditionality not only on government-sponsored inter-Korean projects but also on South Korean business ventures, including those proposed during the inter-Korean summit.
- Call on China to impose conditionality in its economic engagement with North Korea, which is the latter’s primary source of unconstrained financial gains.
- Ask South Korea to join the Proliferation Security Initiative.
- Implement U.N. Resolution 1718 sanctions against Pyongyang’s nuclear and missile programs, and require North Korea and Syria to divulge the extent of their nuclear cooperation.
- Maintain international law enforcement measures against North Korean illicit activities. Sanctions should be maintained until the behavior that triggered them has abated.
- Closely integrate U.S., South Korean, and Japanese initiatives toward North Korea to enhance negotiating leverage and to secure Pyongyang’s full denuclearization.
- Reject requests to convene a foreign ministers meeting or send a special presidential envoy to resolve the impasse.
- If North Korea does not comply with its obligations within two months, bring the North Korean nuclear issue back to the U.N. Security Council.

Conclusion. Six-Party Talks participants need an integrated plan to induce North Korea to comply with its commitments. With the cut-off of unconditional aid and business activity, as well as funding from illicit activities, North Korea would face a fundamental choice between isolation and economic stagnation or conditional engagement with benefits. Negotiations cannot be open-ended and stationary, since that would play to Pyongyang’s goal of deferring international punishment and isolation.

Like an errant student, North Korea is handing in its research paper late and demands a passing grade. The U.S. should insist that negotiators don’t grade on a curve.

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