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North Korea: Worrisome Gaps in Six-Party Talks' Joint Statement

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The joint statement released by the Six-Party Talks participants on October 3 represents a significant step forward in securing an end to North Korea's production of weapons-grade plutonium and capping its nuclear weapons inventory. The statement is also flawed, however, because its provisions are insufficient to ensure that North Korea fully declares and divests itself of its nuclear inventory, including the weapons themselves. What is most conspicuous is what is *not* contained in the joint agreement. The most glaring omission is the requisite verification measures to guard against cheating on the agreement, as North Korea has done on several previous international nuclear commitments.

Disabling Production of Nuclear Weapons. As a follow-on agreement, the Second-Phase Actions for Implementation of the September 2005 Joint Statement contains a firm commitment by North Korea to disable the 5-megawatt reactor, the plutonium reprocessing plant, and the nuclear fuel rod fabrication facility at Yongbyon by December 31, 2007. The agreement does not mention North Korea's 50- and 200-megawatt reactors, frozen since the mid-1990s, which remain years from completion. Successful disablement of the three Yongbyon facilities would preclude North Korea from producing additional weapons-grade plutonium without significant expenditure of time and resources. The third phase of the Six-Party Talks, which is beyond the scope of the October agreement, would eventually define requirements and compensation for North Korean *dismantlement* of its nuclear weapons facilities.

If the United States is able to achieve successful disablement of North Korea's nuclear facilities, such an accomplishment would go beyond the 1994 U.S.–North Korean Agreed Framework. Although Pyongyang committed in that bilateral accord to eventually dismantling its “graphite-moderated reactors and related facilities,” it was in return for an international consortium providing two light-water reactors (LWRs) valued together at \$4.5 billion. The agreement had achieved a freeze of Yongbyon facilities before it began to unravel following the U.S. accusation in October 2002 that North Korea was pursuing a covert uranium-based nuclear weapons program. The Bush Administration has asserted that any discussion of LWRs in the Six-Party Talks would occur only after North Korea had fully given up its nuclear weapons programs.

Insufficient Provisions for Compliance. The one-page joint statement contains inadequate provisions to ensure that North Korea abides by its pledge to fully denuclearize. North Korea did affirm its commitment to “provide a complete and correct declaration of all its nuclear programs” by year's end. But, the agreement did not delineate the level of information to be provided, most notably any requirement to identify the type, number, and loca-

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tion of nuclear weapons and fissile material. North Korean lead negotiator Kim Gye-gwan stated that North Korea “can’t declare nuclear weapons this year, because if we do it at this stage, our nuclear weapons technology level will be revealed.”

A senior South Korean official told the *Chosun Ilbo* that Seoul was amenable to North Korea’s position: “We’ve told the North that if it’s not possible to declare the nuclear weapons right now, it should provide a sufficient explanation.”¹ The agreement also leaves unresolved whether North Korea must include information on any previous proliferation of nuclear materials, technology, and expertise to third countries or whether Pyongyang will attest that it has never done so.

Nor does the joint statement define the linkage between economic and diplomatic benefits to be provided in return for North Korean denuclearization steps. A Chinese shipment of 50,000 tons of heavy fuel oil, and U.S. preparations for a similar shipment, were done outside of the public joint statement process. It remains unclear whether promised deliveries of 950,000 tons of heavy fuel oil are contingent on the following: inclusion of nuclear weapons and HEU components in the data declaration; satisfactory verification of the information through intrusive, on-site inspections of declared and non-declared facilities; and disablement of “all existing nuclear facilities,” including those outside of Yongbyon.

Verification: The Key to Ensuring Compliance.

A critical shortfall of the statement is the absence of provisions to verify North Korea’s data declaration. U.S. arms control treaties with the Soviet Union and Warsaw Pact included extensive verification protocols stipulating detailed requirements that enabled signatory countries and their legislatures a sufficient level of confidence to implement the agreement. These provisions included the agreed-upon number of inspections, provision for inspections of suspect sites, a requirement for expeditious transport of inspectors to a site, and the type of technical collection equipment allowed during inspections.

To verify the extent of North Korean plutonium production, inspectors must be allowed to conduct short-notice challenge inspections of suspect sites as well as to take samples of fissile material. North Korea’s refusal in 1992–1993 to allow the International Atomic Energy Agency to access two suspect nuclear sites precipitated the first nuclear crisis. The agency has never gained access to the sites.

Removal from the Terrorist List. North Korean negotiator Kim Gye-gwan claimed that the United States committed to removing Pyongyang from the State Department’s list of state sponsors of terrorism by year’s end in return for North Korea completing its “declare and disable” nuclear commitments. Assistant Secretary of State Christopher Hill refutes that claim. However, recent statements by Secretary of State Condoleezza Rice and Deputy Secretary John Negroponte, as well as changes to the State Department’s Country Report on Terrorism, released in April 2007, suggest a diminution of U.S. policy.

The process in which North Korea is removed from the terrorist list bears watching in order to ensure both Pyongyang’s compliance with existing procedures and the United States’ commitments to its allies. Questions remain concerning whether Pyongyang will be required to extradite Japanese Red Army terrorists residing in North Korea, admit to and make restitution for committing terrorist attacks in 1983 and 1987 and for its abduction of Japanese citizens. The State Department had previously cited North Korea’s harboring of Japanese Red Army terrorists as one reason for North Korea’s inclusion on the list. In April 2004, the State Department designated the kidnapping of Japanese citizens as an official reason for North Korea’s inclusion on its list of terrorism-supporting countries.² U.S. Ambassador to Japan Thomas Schieffer reassured Tokyo in early 2007 that “it is going to take a long time before the designation [of North Korea on the terrorism list] is removed.”³

In February 2007, the United States agreed to facilitate the transfer of North Korean money from a Macau-based bank, despite the Treasury Depart-

1. *Chosun Ilbo*, “N.Korea Won’t Declare Nuclear Weapons This Year,” (10/2/07) at <http://english.chosun.com/w21data/html/news/200710/200710020017.html>
2. U.S. Department of State, *Patterns of Global Terrorism 2003*, p. 92.

ment's formal designation that it was a money laundering concern. In September 2007, the State Department removed North Korea from its list of countries producing illicit drugs. The North Korean regime has long been suspected of direct involvement in the production and trafficking of heroin and illegal narcotics. According to the Congressional Research Service, "Since 1976, North Korea has been linked to more than 50 verifiable incidents involving drug seizures in at least 14 countries."⁴ Japanese law enforcement officials suspect that North Korea is the principal supplier of illegal methamphetamines to Japan.

Syrian Enigma Looms over Six-Party Talks.

Israel's September 6 attack on a Syrian facility rumored to be involved with North Korea's nuclear weapons or missile programs continues to overshadow the joint statement. Washington and Tel Aviv have been remarkably tight-lipped over speculation that Pyongyang transferred nuclear or missile technology to Damascus, either of which would be a violation of U.N. Resolution 1718, passed in response to North Korea's October 2006 nuclear test. The U.N. Security Council called on North Korea to "cease export of nuclear-related, ballistic missile-related or other weapons of mass destruction-related programs." U.N. member states were to "prevent any transfers...from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of [nuclear or missile-related programs]." In addition, North Korean military assistance for Syria, itself a country on the U.S. list of state sponsors of terrorism, raises yet another legitimate question about removing North Korea from the list.

Recommendations. The following actions would fill in the gaps of the joint statement and ensure a comprehensive, verifiable way forward on the North Korean nuclear question:

- The U.S. Intelligence Community should provide an unclassified assessment of North Korea's nuclear and missile proliferation in open congressional hearings, to the degree possible consistent with protecting sources and methods;
- Serving in their role as proxies for the U.S. public on classified matters, the Congressional Intelligence Committees should hold closed sessions followed by a bipartisan statement that provides an assessment of the degree to which the Syrian issue should impact the Six-Party Talks;
- The United States and the international community should step up monitoring of North Korean airborne and maritime shipments to Syria and Iran;
- Washington should insist upon full compliance with U.N. Resolution 1718 and should call on Beijing and Seoul to join the Proliferation Security Initiative;
- The U.N. member nations should interdict suspicious shipments of North Korean cargo in transit or upon arrival in third-country ports;
- The Bush Administration should disclose the additional agreements reached amongst Six-Party Talks participants, as well as sidebar bilateral accords between the United States and North Korea, because the perception of secret deals will hamper the effort to gain public and congressional support; and
- The United States should instead insist upon text similar to arms control treaties—text that clearly delineates the legal requirements of all sides. Despite assurances from the Bush Administration, North Korea's commitment to full denuclearization is made dubious by its unwillingness to accept provisions regarding verification, its suspected HEU program, and dismantling its nuclear weapons.

Conclusion. The United States' acceptance of an agreement that leaves so many issues unresolved is troublesome. The State Department's reticence in providing details of the agreement raises questions about what they could be hiding. The months-long dispute between the United States and North Korea resulting from conflicting interpretations of what was required by Washington's promise to "resolve" the Banco Delta Asia issue should have been a red flag. Acquiescing to vague

3. Nishioka Tsutomu, "Six Party Talks: Was Japan Left Behind?" *Seiron*, March 12, 2007.

4. Congressional Research Service, "North Korean Crime-for-Profit Activities," February 16, 2007.

joint statements that allow for misinterpretation or deliberate malfeasance is a dangerous strategy. Rather than providing a road map for denuclearization, the joint statement represents a vague compass heading. Until more detailed agreements are achieved, the jury will remain out on how suc-

cessful the Six-Party Talks will be in achieving a full North Korean denuclearization.

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