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North Korea Cool to United States "Surprises"

By Mark Caprio

Until recently, the present Bush administration hewed faithfully to its vow never to succumb to North Korea's "nuclear blackmail". The offer that it presented at the third round of the six-nation talks in June 2004, which promised North Korea energy assistance and improved relations as it disarmed its nuclear weapons, appeared to break with this hard-line approach. In late July 2004, National Security Advisor Condoleezza Rice and Undersecretary of State John Bolton both visited Northeast Asia to emphasize that North Korea will be surprised to see how much is possible if it simply abandons its nuclear programs; the case of Libya provides a demonstrative example of the rewards that await its cooperation.

The North Korean government acknowledged a change in U.S. attitude, particularly the fact that it "took note" of North Korea's "reward for freeze" proposal and accepted the principle of "words for words" and "actions for actions" (Korean Central News Agency, June 25, 2004). It did not, however, rush to embrace the offer. One month later North Korea dismissed it as "nothing but a sham offer" after Rice and Bolton clarified that, as in the case of Libya, the United States insists on complete nuclear dismantlement before it would offer compensation ("N. Korea calls US Arms Plan a 'Sham,'" Boston Globe, July 25, 2004). North Korea has long held that disarmament and compensation should proceed in "simultaneous parallelism." A profound lack of trust on both sides prevents the U.S. from offering "carrots" before compliance, and North Korea from dismantling its nuclear program in anticipation of U.S. "surprises."

U.S. Negotiations with North Korea

The United States offer resurrects many of the items inserted in the Agreed Framework that the Clinton administration negotiated with North Korea in October 1994 to end an earlier nuclear crisis. Specifically, it promises the North Koreans heavy fuel oil, a provisional security guarantee, long-term energy aid, direct talks to lift economic sanctions and remove the state from the list of terrorist states, and retraining for its nuclear scientists. First, however, North Korea would be required to immediately and verifiably freeze their nuclear programs for three months when they would be permanently (and again verifiably) dismantled.

The offer's strength lies in addressing North Korea's most immediate need—securing an energy supply to revive its economy. This was the only provision of the Agreed Framework that the Clinton administration fulfilled to any degree, although its late and incomplete deliveries of the promised 500 metric tons of heavy fuel oil often frustrated the North Koreans. The Bush administration's offer again pledges to provide North Korea with heavy fuel oil, this time to be supplied by South Korea, Japan, China, and Russia, rather than the United States. This offer resurrects unfulfilled promises made in the 1994 agreement by committing the U.S. to direct talks to end its economic sanctions and removal of North Korea from the list of terrorist-sponsoring states. But would the United States engage proactively in these negotiations should North Korea discard its nuclear card beforehand? This is North Korea's most pressing concern.

Light-water reactors (LWRs) and talks leading to normalization—two critical long-term "carrots" of the 1994 agreement—are conspicuously missing from the present offer. Their absence is not surprising given the harsh criticism of these provisions during the Clinton era. However, the North Korean government views both items as necessary to its economic recovery and diplomatic security. The attempt by the Bush administration to cleanse North Korea of all nuclear facilities has no legal basis. Moreover, this technology constitutes a critical energy source for all of North Korea's neighbors.
The promise of diplomatic normalization with the United States motivated North Korea's participation in the Agreed Framework in 1994; it remains one its primary ambitions today. Normalization would (North Korea assumes) bring an end to the Korean War. Normalization would also allow North Korea access to international organizations and encourage foreign companies to trade and invest. Reducing its external threat would allow North Korea to cut its military budget and divert this precious capital to more productive concerns.

The Bush administration's latest offer is silent on normalization although there have been hints of improved relations. President Bush in his February 11, 2004 speech at the National Defense Academy when, invoking the Libya example, remarked that states "abandoning the pursuit of illegal weapons can lead to better relations with the United States and other free nations." Rice offered a similar comment to Korean officials during her visit to Seoul, just after the United States established liaison offices with Libya.

The U.S. has called on North Korea to follow the lead of Libya and give up its nuclear program including the highly enriched uranium (HEU) program…I believe the North Korean leader Kim will know what [surprising rewards await him] as soon as he meets and talks with the Libyan leader ("Bush Urging Kim to Open his Mind," Korea Times July 12, 2004).However, James Kelly, the administration's lead official on North Korean affairs, told the Senate Foreign Relations Committee that the "United States would not establish normal relations with North Korea even if it meets U.S. demands for nuclear disarmament." Other outstanding problems—human rights issues, missiles development and sales, and its conventional forces—prevent the United States from negotiating to this goal ("U.S.: No Normal Relations with North Korea," New York Times, July 15, 2004).

The Bush administration's offer demands North Korean trust while offering its adversary little basis for such trust. In February 2003, just before the invasion of Iraq, John Bolton revealed to Israeli Prime Minister Ariel Sharon U.S. plans to carry its nonproliferation crusade to Syria, Iran, and North Korea following the conclusion of the Iraq operation ("John Bolton in Jerusalem," Dissident Voice, February 23, 2003). Six months later an article appearing in U.S. News and World Report summarized the Pentagon's 5030 plan that listed ways in which the United States could provoke North Korea into starting a war, including conducting war games near the DMZ and sending reconnaissance planes closer to North Korean airspace ("Upping the Ante for Kim Jong Il," U.S. News and World Report, July 31, 2003). George W. Bush's National Defense University speech in February 2004 reminded listeners of the president's "axis of evil" statement in his 2002 state of the union address: he depicted Iraq as a defeated menace, and Iran and North Korea as stubborn menaces that will face "unwelcome circumstances" should they continue to resist denuclearization.

At the same time the administration pushed for U.S. nuclear weapons development and testing. In July 2004, the White House announced that the United States was nearing completion of the "next generation of nuclear weapons," the so-called "bunker busters" designed to penetrate underground facilities. Plans to deploy six of these missiles on South Korean territory clearly designated North Korea as an important target for this weapon's development (Nautilus Daily News, July 13, 2004). This litany of threats hardly encourages Kim Jong Il to respond positively to President Bush's recent urging that the North Korea Premier "trust

[the U.S.] with an open mind…" ("Bush Urging Kim to Open Mind First," The Korea Times, July 12, 2004).

The Bush administration has maintained that North Korea's nuclear problem could be solved through diplomatic means. Yet it has taken few positive steps in response to North Korea's long-tendered offer to freeze its nuclear facilities in exchange for a security guarantee from the United States. Why now? The Bush administration may have been influenced by Democratic Party candidate John Kerry's promise in May 2004 to pursue direct negotiations with North Korea if elected. It is also probable that its latest offer is part of an agreement made with South Korea to secure its support and contribution to U.S. war and occupation efforts in Iraq. Like the previous effort to engage North Korea in June 2001, the U.S. offer appears less designed to achieve reconciliation than to serve the administration's political purposes.

North Korean Denuclearization and the Nuclear Nonproliferation Treaty

The United States' long-held demand that North Korea dismantle all nuclear facilities, even those intended for peaceful purposes, exceeds provisions of the Nuclear Nonproliferation Treaty (NPT) that recognize the rights of states to develop and maintain peaceful nuclear facilities. In December 2003, the U.S. sparked disagreement with the Chinese when it vetoed a draft statement of principles composed before the second round of the six-nation meetings because the draft recognized North Korea's right to this technology. At one point it announced that it no longer required North Korea to return to the NPT as its membership would allow it access to peaceful nuclear technology. A recent United States House provision seeks to block the export of such technology to all states listed as supporters of terrorism, and specifically North Korea. It permits the U.S. to provide North Korea with non-nuclear energy assistance should it dismantle its nuclear facilities, rejoin the NPT, and allow for strict IAEA inspections (Nautilus Daily News, July 9, 2004).

This provision is contradictory in that it requires North Korea to return to a treaty but restricts its membership rights. Membership in the NPT requires states to "accept safeguards…for the exclusive purpose of verification of the fulfillment of its obligations," as stipulated in Article III (1). It allows the IAEA to conduct potentially intrusive inspections. NPT membership also entitles parties of the treaty "to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful use of nuclear energy (Article IV (2))." This Article also requires "Parties of the Treaty in a position to do so [to] cooperate in contributing alone or together with other States…to further development of the application of nuclear energy for peaceful purposes, especially in the territories of non-nuclear States Party to the Treaty."

The United States continues to confront North Korea (and Iran) on suspicions of its alleged program to enrich uranium. The NPT does not prohibit this practice, provided that the state allows the IAEA to conduct inspections to verify the project's peaceful intentions. The North Korean violation (were it to engage in this practice) would be of the bilateral North-South Denuclearization Declaration signed in 1991, into which the U.S. inserted a ban on enrichment practices (see Joel S. Wit et al, Going Critical, p. 10), rather than of international nuclear agreements.

The United States (along with the other four nuclear-weapons states) has failed to carry out its NPT responsibilities. In addition to assisting non-nuclear states develop capabilities for peaceful nuclear use, the treaty's Preamble requires of the five nuclear weapons states the "liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control." Their failure to make acceptable strides in this area has been criticized by the non-nuclear signatories at every five-year review conducted since the treaty entered into force in 1970.
North Korea's insistence on a security agreement is directed primarily toward another NPT violation by the United States: its use of nuclear weapons to threaten North Korea. U.S. deployment of nuclear weapons on the Korean peninsula up through the early 1990s not only encouraged North Korea's desire for these weapons but also violated the spirit of the NPT's Article 1, which prohibits nuclear-weapon states from transferring nuclear weapons to a non-nuclear state. (The U.S. maintains that since it did not transfer control over these weapons, it remains within the parameters of the NPT.

This stance clearly violates the spirit of nonproliferation, and would hardly be deemed permissible had the Soviet Union deployed nuclear weapons in North Korea.) The threat that this deployment placed on North Korea violates a provision in the treaty's Preamble that calls on states to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State." U.S. threats and sanctions against North Korea have given the state reason to invoke Article X, which allows a member party the "right to withdraw from the Treaty if it decides that extraordinary events…have jeopardized [its] supreme interests" ("U.S. to Blame for Derailing Process of Denuclearization on Korean Peninsula," Korean Central News Agency, May 12, 2004).

The Bush administration plans to develop and deploy the next generation of nuclear weapons provides further evidence of U.S. non-compliance. USA Today reported that the 2002 Nuclear Posture Review embraced "the use of nuclear weapons in a first strike and on the battlefield; it also says a return to nuclear testing may soon be necessary" ("Bush Pushes for Next Generation of Nukes," USA Today, July 24, 2004). The Pentagon argues that the "Robust Nuclear Earth Penetrator" is needed to reach the elaborate underground bunkers that "rogue" states such as North Korea, Iran, and Libya have built to survive a foreign attack. This development has "even GOP hawks upset." Rep. David Hobson of Ohio laments the consequences for the U.S. image: "in the world when we're telling others not to build [nuclear weapons] we push these new programs" ("A New Era of Nuclear Weapons," San Francisco Chronicle December 7, 2003).

Kim Jong Il's Cards: How many Remain?

During the most recent six-nation talks held in Beijing in June 2004, North Korean representative Kim Gye Gwan's remarks to U.S. representative James Kelly were paraphrased as follows: "if you don't buy our freeze proposal and buy it soon, we are going to test a nuclear weapon" ("NK's Nuclear Tests Comment not a Threat: US," CBC News, June 25, 2004). It appears that the North Korean official's intention was to warn the United States of the difficulty that North Korean moderates were having restraining the military hard-liners. Over the past decade North Korean Premier Kim Jong Il has at critical times supported the moderates—those favoring negotiations with the United States, Japan, and South Korea. Kim Gye Gwan's warning may reflect difficulties that the North Korean leader faces in maintaining this position given its lack of visible results.

Kim Jong Il's support was first instrumental in resolving a heated dispute between moderates and hard-liners in October 1994, when North Korea negotiated the Agreed Framework with the United States. Selig Harrison comments that Bill Clinton's decision not to go to Pyongyang in his last month in office "pulled the rug out from under Kim Jong Il by undermining his ability to make concessions desired by the United States on a missile agreement and other issues" (Korean Endgame, 229-230). Kim had "held his generals in check" until 1998 when North Korea launched a medium-ranged missile over Japan, as the United States failed to fulfill its conditions of the agreement (Korean Endgame, p. 227). The U.S. decision in 2002 to halt heavy oil shipments and cancel supply of the LWRs strengthened the hand of North Korean hard-liners that negotiations with the U.S. would never bear fruitful results.

Kim Jong Il again supported moderate concerns in September 2002 when during his one-day meeting with Japanese Prime Minister

Koizumi Junichiro he admitted that his country held abducted Japanese citizens against their will. The Japanese government's failure to return the abductees after their "temporary" repatriation as agreed, and its refusal to continue negotiations toward normalization until the abducted Japanese issue was settled, demonstrated once again to hard-liners the refusal of North Korea's enemies to negotiate in good faith. North Korea tried to resolve the issue—and save face—by compromise: it first proposed that the five abductees temporarily return to Pyongyang to discuss their future with their families, before relaxing this position by receiving Prime Minister Koizumi in Pyongyang to negotiate the release of the family members of the abducted Japanese.

The United States and Japan have failed to exploit these breakthroughs, and injected further distrust in a relationship that has experienced few reprieves from the hostility that greeted the founding of the North Korean state in 1948. These failures further complicate the already difficult task of negotiating with the North Koreans. The breach of these trust-building efforts limits Kim Jong Il's ability to support the moderate elements who have encouraged their country's engagement with North Korea's enemies as the most rational response to the state's economic and security problems. Their failure may have empowered a dangerous hard-line approach that believes North Korea's survival is best ensured by "a strong military deterrent force capable of decisively repelling any attack to be made by any types of sophisticated weapons" (Korea Central News Agency, May 12, 2004).

The most recent U.S. proposal—that North Korea verifiably end its nuclear programs before it receive security and energy guarantees—fails to provide a road map to nurture the trust required to allow the North Korean government to take difficult steps. Its dealings with the United States and Japan over this past decade have justified hard-line objections to North Korea negotiating with its enemies, even if the terms demonstrate sympathy and understanding for North Korea's needs. For the Bush administration, the offer and supporting rhetoric that promises "surprises" following North Korean cooperation allows it to boast of a "North Korean policy" with scant concern over ever having to honor its commitments; it too must realize that these provisions offer little to attract North Korean curiosity as to what surprises lay in its shadows.

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