The Consistency of U.S. Policy toward DPRK Denuclearization

Victor Cha

Abstract

The paper argues three core principles have systematically guided U. S. policy for a denuclearization of North Korea: commitment to a peaceful diplomatic solution, multilateral approach, and purpose of testing DPRK intentions. The Bush administration has taken a more pragmatically–oriented policy that balanced his strong disapproval of the Pyongyang regime's human rights abuses with practical diplomacy aimed at getting Kim Jon Il out of the nuclear weapons business. This flexible policy has garnered unanimous support in Asia and at home. If the DPRK disables and declares by the end of 2007, the Bush administration will go further in denuclearizing North Korea than any previous U.S. administration.

The U.S. has also committed to begin the process of delisting the DPRK from the list of state-sponsors of terrorism and removing economic sanctions. If the DPRK is serious about being removed from the list, then its nuclear declaration must include a full disclosure of past nuclear cooperation with Syria or others on the list, an explanation of any current practices, and assurances that there will be no future cooperation.

Five years ago, policy pundits and academics were openly predicting the end of the U.S.-ROK alliance. Anti-American demonstrations in the streets of Seoul in 2002; and the election of a leftist South Korean president conveyed that the two allies has just grown too far apart. Critics further blamed President Bush's "axis of evil" designation of North Korea as leading young South Koreans to define the United States as a greater threat to peace on the peninsula than North Korea. The verdict was that Bush would lose Korea – an ally in the South, and the nonproliferation battle in the North.

However, the United States appears to be handing over a Korean peninsula that falls

This paper was submitted on December 13, 2007.

far short of these gloomy predictions. The alliance has seen more positive changes in the past five years than in any half-decade period in the alliance's history. Washington and Seoul agreed on a major base realignment and restructuring agreement including the return of over 60 camps to the ROK; and the move of U.S. Army headquarters (Yongsan Garrison) out of the center of Seoul. Another watershed agreement was reached on the return of wartime operational control to the ROK by 2012. As is the case in Japan, these changes maintain the U.S. treaty commitments to defend its ally while reducing civil military tensions with the host nation. The two governments also inked a free trade agreement (FTA) in June 2007 that defied everyone's expectations. Although congressional support is weakening (discussed below), this stands as the largest bilateral FTA yet for the U.S. and has sparked interest by other regional players in an FTA.

On the diplomatic front, the White House oversaw the creation of an informal but highly effective channel between the two national security councils, and the creation of a formal new Strategic Consultation for Allied Partnership (SCAP) dialogue between Secretary Rice and her counterpart. These new institutions expanded the scope of U.S.-ROK alliance beyond the peninsula to areas of mutual global concern. Akin to the "global alliance" concept for Japan, the ROK proved to be an important coalition partner in Iraq, providing the third largest contingent of troops that performed everything from humanitarian operations to protective missions for USAID and UN offices. The ROK provides logistics support and a field hospital in Afghanistan. And in Lebanon, the ROK contributed some 350 troops for PKO operations. These alliance accomplishments are impressive when one considers the starting point. Anyone who had bet in 2002, that Roh and Bush would be working together in Iraq and Afghanistan, completing base moves, and concluding a bilateral FTA would indeed be rich today.

Testing DPRK Intentions

The next U.S. administration will find a diplomatic process firmly in place to denuclearize North Korea. Under Secretary Rice, National Security Advisor Hadley, and negotiator Christopher Hill, the U.S. has worked with China, South Korea, Japan, Russia and the DPRK to create a denuclearization roadmap, known as the September 2005 Joint Statement. The first implementation step was taken with the July 2007 shutdown of the Yongbyon nuclear facility from which the DPRK made plutonium

for nuclear bombs, and the reintroduction of the IAEA for the first time in five years. The six parties aim to achieve by the end of 2007 a full declaration (including HEU, plutonium, and nuclear devices) and permanent disablement of all DPRK nuclear facilities and activities, effectively taking us further in denuclearizing the DPRK than ever before. The goal by the end of 2008 would be to dismantle the existing weapons. At the same time, concerned parties would provide energy assistance, and the U.S. and Japan would begin normalization discussions with the DPRK. At an appropriate time, concerned parties would begin a discussion on a permanent peace regime for the peninsula and the subject of a light water reactor for the DPRK.

Despite these accomplishments, widespread criticism of the policy abounds. For liberals Bush labeled the DPRK leader as "evil" and pursued a policy of "regime change" that tried to pressure the regime into obedience, but led ultimately to the October 2006 nuclear test, after which Bush reversed course. The conservatives criticize Bush for inconsistency. The administration had the right get-tough mindset for dealing with Pyongyang, but gave up its strong financial instruments and a UN security council resolution to pressure Kim Jong Il for a temporary shutdown of Yongbyon – a symbolic victory that guarantees nothing in terms of validating the DPRK's denuclearization intentions. In short, the administration has been both unilateral and inconsistent.

These criticisms however mistake tactical shifts for big strategic changes. In fact, three core principles have systematically guided U.S. policy toward the DPRK over the past seven years. First, the United States remains committed to a peaceful diplomatic solution. Despite speculation that the administration was considering coercive options and/or regime change, and notwithstanding the obligatory proclamations by any responsible leader that all options, including military, must be on the table, peaceful diplomacy was always the only practical solution. At no time did any high-level White House official advocate or present in Six Party capitals the option of regime change, contrary to the pundits' views.

The second principle is that the DPRK nuclear problem must be dealt through a multilateral approach. After the breakdown of the 1994 U.S.-DPRK nuclear agreement, the view was that a return to diplomacy must integrally involve key regional players that have material influence on the DPRK, especially China. The United States could not afford another bilateral negotiation with the DPRK in which China would free-ride on US efforts to solve the problem, but refuse to support any pressure while providing backchannel aid to Pyongyang to avoid regime collapse. China's hosting

of the Six Party talks has forced them to take ownership of the problem as "Chinese face" has become intertwined with preventing a nuclear North Korea. At each critical point in the crisis, U.S.-China cooperation has been important to achieving the desired outcome. This was the case with regard to Chinese unprecedented support for two U.N. Security Council resolutions 1695 and 1718 in response to the DPRK's missile and nuclear tests in 2006. China has pressed the DPRK, moreover, in material ways that will never show up in trade figures but have had a real impact. Pyongyang's palpable distrust of Beijing is perhaps the most credible indicator of this new dynamic. A relationship once described "as close as lips and teeth" is no longer the case.

The emphasis on multilateral talks has never precluded direct contacts with the DPRK. Bilateral contacts have always been authorized as part of the Six Party talks; extensive meetings with the DPRK took place during all Six Party sessions as well as during intersessional periods. There is no denying that Bush's second term has seen more direct contacts, but this is hardly a policy reversal. Any understandings reached in DPRK bilaterals are always brought back to China and the Six Parties for formal deliberation and agreement. For critics to focus on the modalities of meetings, moreover, misses the core driver of policy outcomes which was the DPRK's unwillingness to engage and negotiate seriously. Once they did so, the five other parties remained willing to move forward. Any future administration would be wise to maintain this cooperation.

The third principle behind U.S. policy has been to negotiate with the purpose of testing DPRK denuclearization intentions. The popular criticism is that Washington only started to negotiate seriously after the October 2006 nuclear test. This inaccurately reflects the record of past diplomatic outreach to the DPRK. The first internal policy review conducted by the Bush administration in its first term reached the conclusion to continue on the diplomatic track established by the Clinton administration's 1994 Agreed Framework. As early as October 2002 when Assistant Secretary Jim Kelly confronted the DPRK about their covert HEU acquisitions, he did so in the context of a larger proposal consistent with the conclusions of this internal policy review – a bold approach – that explained how denuclearization could bring Pyongyang an entirely new relationship with the U.S. In June 2004, another proposal by the U.S., Japan, and South Korea was put forward at Six Party talks which the DPRK rejected after a 14 month delay. When the DPRK finally agreed to the September 2005 Joint Statement, the administration's singular focus has been to methodically test whether Pyongyang is serious about its commitment made for the first time to all six parties

that it would verifiably and promptly "abandon all nuclear weapons and existing nuclear programs."

In this regard, the December 2006 U.S.-DPRK meetings in Berlin, Germany remained consistent with the strategy of systematically deciphering DPRK intentions. The instructions were to negotiate a test of whether DPRK is serious or just trying to wait out the administration. The venue was different (i.e., not Beijing), but this reflected less any U.S. concession and much more the DPRK's palpable distrust of China – a reflection of the success of the strategy. The Berlin meetings provided the basis for the Chinese to put together the February 13 Initial Actions agreement at the ensuing round of Six Party talks. This agreement, even the critics acknowledge, represents a good test of DPRK intentions with clear timelines and clear actions to be taken by Pyongyang. Granted there have been delays, but the parties have achieved as of summer 2007 a shutdown of Yongbyon, and the re-introduction of IAEA monitors.

Demonstrating U.S. Political Will

Conservatives in Washington were outraged in April-May 2007 when the Bush administration succumbed to DPRK's demands for the release of $25 million in assets held at Banco Delta Asia (BDA) in Macao without which Pyongyang refused to shut down Yongbyon in accordance with the February 13 agreement.[1] The United States agreed to facilitate the transfer of the money out of BDA through the U.S. Federal Reserve to a North Korean Foreign Trade Bank account in Russia. All attributed this flexibility to a weak administration, distracted by Iraq, and desperate for a foreign policy victory.

These steps, though controversial, remained consistent with a strategy of systematically testing DPRK intentions. One way to test the other side is to exhibit political will. Some may argue that U.S. backtracking on the BDA issue followed by Hill's visit to Pyongyang show American weakness. But what Asia has always asked of the United States is to show true political will to deal with the country. Despite missed deadlines by the DPRK, the U.S. has exhibited unusual political will and patience informed by a longer-term view to move beyond an IAEA-monitored

[1] The funds were frozen by the Macao monetary authority in response to legitimate actions by the Treasury Department to protect U.S. financial institutions against DPRK money-laundering activities at the bank.

temporary shutdown of Yongbyon to a permanent disablement of the facility by the end of the year, which would take us farther than any previous administration has gotten in shutting down plutonium production permanently. However little DPRK plutonium can be produced at Yongbyon still has a half-life of over 100,000 years; it is in no one's interest for the DPRK to make any more fissile material. The same actions that an ideological few at home have seen as weakness are widely interpreted in Asia as U.S. leadership.

How far will the U.S. go to "test" the DPRK? As is often the case in the policy world, this is a judgment call made by the President and his national security team as events evolve. The administration may engage in normalization talks with the DPRK or Four-party discussions on a peace treaty ending the Korean war, but will never conclude either of these discussions without the final phase of nuclear dismantlement. This is because no U.S. administration, Republican or Democrat, will normalize relations or conclude a peace treaty with a North Korean nuclear weapons state. Conservatives should have no gripe with that.

In sum, the Bush administration has not suddenly become wide-eyed optimists on North Korea. Instead, it pursues a systematic diplomatic strategy designed to test the DPRK. If Pyongyang proves to be serious, then the Six Party partners will press the negotiation harder, moving to the final phase of nuclear dismantlement in 2008. However, if Pyongyang does not implement the February 13 agreement, then it will be clear to all where the blame sits for the breakdown of the agreement, and all five parties must be prepared for tougher measures.

Next Steps

One of the few foreign policies victories for the Bush administration has been policy toward North Korea. Over the course of the second term, the President took a more pragmatically-oriented policy that balanced his strong disapproval of the Pyongyang regime's human rights abuses with practical diplomacy aimed at getting Kim Jong Il out of the nuclear weapons business. His able negotiator Chris Hill has succeeded in utilizing the multilateral Six Party talks to leverage U.S. and Chinese diplomatic pressure on the North while also giving Pyongyang ample opportunities for bilateral talks with the U.S. which it so badly seeks. President Bush and Secretary Rice have given Hill enough negotiating room to show that Washington is serious about finding a solution to this problem. The policy has garnered unanimous support in Asia and

bipartisan support at home. However this policy has not come without cost. Bush's second term flexibility on North Korea has not sat well with the conservative core of the Republican party and has elicited bold criticism from former senior officials like John Bolton.

The next phase of the negotiations requires that the DPRK disable or render unusable the nuclear facilities at Yongbyon and provide a complete nuclear declaration by December 31, 2007. In exchange for this, the U.S., China, Russia, and South Korea would provide energy assistance, and apparently in a side agreement, the U.S. has committed to begin the process of delisting the DPRK from the list of state-sponsors of terrorism and remove economic sanctions that have been in place since the Korean war. Make no mistake – if the DPRK disables and declares by the end of 2007, the Bush administration will have gone further in denuclearizing North Korea than any previous U.S. administration. The DPRK would no longer be able to make plutonium for nuclear weapons; it will have fessed up on its secret uranium-based nuclear program which led to the breakdown of the Clinton-era agreement; and American and other inspectors would be on the ground in the closed communist state verifying all of this. This would be an unadulterated success.

So what's the problem? The prospect of delisting North Korea from the terrorism list has elicited some grumbling from Japan. Prime minister Fukuda came to the White House last week to remind the President that the DPRK needs to come clean on citizens it has abducted from Japan in order to get taken off the list. There is widespread agreement that progress on this issue is needed such that the U.S. does not abandon its most important ally in Asia.

But the real problem is Syria. The silence from all circles has been deafening following the Israeli attack on what is believed to be a Syrian nuclear facility built with cooperation from the DPRK. One assumes the silence stems in part from the fact that no one wants to be on record characterizing intelligence, and there are probably debates taking place about the nature of the cooperation and whether it continued after the Six Party denuclearization agreements in 2005 and 2007.

Some hardliners within the administration have apparently tried to use the Syria revelations as a deal-breaker for North Korea and move to a containment-type policy. But this neither solves the DPRK nuclear weapons problem, nor the potential proliferation problem. The answer is to stick with the negotiations and to get to the year-end goal of disabling the North's bomb-making capabilities. The second part of the deal – the nuclear declaration – becomes infinitely more crucial, however. If the

DPRK is serious about being removed from the terrorism list, then its declaration must include a full disclosure of past nuclear cooperation with Syria or others, an explanation of any current practices, and assurances that there will be no future cooperation. This does not need to be public, for reasons of face, but if and when the President notifies Congress of his intention to delist North Korea from the terrorism list, then he needs to be able to assure the Hill and the world that Pyongyang is out of any nuclear business with states currently on the list. If he cannot do this, then the U.S. should find a formula short of fully delisting North Korea from the list of state sponsors of terrorism. The logic is simple: If the DPRK cannot guarantee that they will cease all cooperation with states on the list, then it would be difficult to take the DPRK off of that same list. The DPRK might be placed in some sort of probationary status, if possible. The North Koreans, South Koreans, and Chinese might respond that Washington needs to fulfill its end of the bargain and not impose new conditions in order to show political will and commitment. This is a false charge. No party has shown more political commitment to this negotiation than the U.S. to the extent that Bush and Rice may even be overexposed on the policy today. They certainly would be if the DPRK declaration offered no transparency on Syria.