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CLINTON'S FLAWED NORTH KOREAN NUCLEAR DEAL: AN OPPORTUNITY FOR STRENGTHENING U.S. POLICY

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President¹

Mr. Chairman, members of the Committee, I applaud your decision to hold this hearing on the October 21 "Agreed Framework" with North Korea. It is my belief that this committee, now under new management, has the opportunity to provide leadership as the Congress, the Administration, and our allies seek a path to peace on the Korean Peninsula. This is a vital American national security goal since our economic interests in the region are high and since Korea is the only place where large numbers of U.S. troops are in harm's way.

Since its inception 22 years ago, The Heritage Foundation has actively advocated American policies to promote peace and freedom on the Korean Peninsula. For more than twenty years I have traveled regularly to the Republic of Korea. Just last month, I visited Korea on what I believe was my 43rd visit. During that trip, I had the honor to meet again with President Kim Young Sam and Prime Minister Lee Hong Koo. Given the many questions raised both in Seoul and in Washington about the Agreed Framework, I assured President Kim that the new Congress would extensively review the new nuclear accord with North Korea.

Judging by some media reports and Administration statements, one might conclude that the North Korean crisis is over. Many observers were eager last year to congratulate the Administration on its nuclear deal with North Korea, and the issue quickly faded from the front pages. In late January one could hear CNN reporters refer to the "nuclear issue that has been resolved." Just last February 14—a week ago—as he took time to criticize the National Security Revitalization Act of the Contract With America, Defense Secretary William Perry said that the Agreed Framework had "stopped the North Korean nuclear program in its tracks."

I would suggest that the Secretary was premature in his assessment. Even the most optimistic estimates hold that we will wait at least a decade for the Agreed Framework to result in the dismantling of

¹ Substantial portions of this were delivered in testimony by Dr. Feulner before the Subcommittee on Asia and the Pacific of the International Relations Committee, United States House of Representatives, on February 23, 1995.

the visible portion of North Korea's nuclear weapons facilities. If fully implemented, the October agreement can serve as a basis for real progress in ending North Korea's nuclear threat. But we must also be mindful of North Korea's consistent strategy of attempting to drive a wedge between the United States and South Korea, the agreement's limitations, and the capacity of North Korea to manipulate and undermine the agreement. The agreement was not even four months old when, on Wednesday of last week, the North Koreans threatened to walk away from the accord rather than accept South Korean light-water nuclear reactors. To put it mildly, it may become necessary to adjust what appear to be inflated expectations of this agreement.

Real peace on the Korean Peninsula will depend on much more than a bilateral "framework" between Washington and Pyongyang. We must remain mindful that our wider interests in Korea and Asia are deeply affected by this agreement. But others, such as the 43 million citizens of our Republic of Korea ally, have even more at stake.

How this agreement could affect our alliance with South Korea is of fundamental importance. This agreement cannot succeed without Seoul's cooperation, as well as our consistent recognition of Seoul's interests as we proceed. Vital American security and economic interests are at stake, as well. We have 37,000 troops stationed in South Korea. South Korea is now one of Asia's most vibrant democracies and an increasingly important global partner for the United States. A South Korean, Dr. Kim Chulsu, is now a leading candidate to head the new World Trade Organization—a bid, incidentally, that I believe deserves American support. Beyond the immediate safety of our citizens and soldiers, both Washington and Seoul know that tension reduction on the peninsula will go far to ensure peace in Northeast Asia. With that, Americans, Koreans, Japanese, Chinese, and Russians will continue to profit from Northeast Asia's enormous economic potential.

But still an obstacle to such a promising future is North Korea's insular, well-armed, and hostile regime. The December downing of an American helicopter which strayed into North Korean airspace and the resulting death of one serviceman and the lengthy detention of another are but the most recent reminder that we have not achieved "peace in our time" with Pyongyang. The North still deploys a 1.1 million-man military against the South, designed not for defense but for a blitzkrieg operation to conquer its neighbor. The 13 million people of Seoul, plus many of our troops who are about as far away from North Korea's artillery as we are now from Baltimore, are in a constant state of danger. North Korea's record of terrorism has been reviewed numerous times before this committee. Last year, the North's long-time dictator Kim Il Sung died, yet the new leadership structure remains unknown. North Korea is a country shrouded in secrecy and well-known for unpredictability and violent acts.

Recognizing the danger posed by North Korea's plutonium reprocessing, the Bush Administration addressed the challenge frontally, initiating a series of integrated policy moves which produced considerable progress before the November 1992 elections froze these effects. The Bush Administration worked closely with our allies in Seoul and Tokyo, not only to address the nuclear issue, but to advance North-South reconciliation. Our efforts encouraged talks between North and South Korea that resulted in two landmark agreements on denuclearization and reconciliation in December 1991. The former specified that both North and South Korea would possess no nuclear weapons or plutonium reprocessing facilities and provided for North-South mutual inspections. The latter agreement called for sweeping political, economic, and social confidence-building steps. The enthusiasm with which these agreements were greeted recalls the enthusiasm of last October. However, neither of the 1991 agreements has been implemented because of North Korean intransigence.

It should be recalled that Pyongyang signed the Nuclear Non-Proliferation Treaty in 1985 but subsequently refused inspections stipulated by the treaty. The Bush Administration did, however, pressure Pyongyang into allowing the first-ever inspections by the International Atomic Energy Agency (IAEA) in 1992. Those inspections revealed that North Korea had very likely produced significant amounts of weapons-grade nuclear fuel. Suspecting serious violations of the NPT, the IAEA called for special in-

spectations of two suspect sites in February 1993. Pyongyang's response the following month was to announce its intention to withdraw from the NPT. North-South talks also have been stalled since then.

A slowly building crisis atmosphere ensued and led to the Agreed Framework of last October. To reach this agreement, however, the Administration abandoned a bipartisan principle of U.S. policy it had previously accepted from the Bush Administration. This core principle was that there would be no improvement in U.S.-North Korean relations until Pyongyang satisfied all of its commitments to the International Atomic Energy Agency and to Seoul.

For example, one might inquire what Assistant Secretary of State Robert Gallucci meant when he said in September 1994, "I wish to leave no ambiguity on the point that there will be no overall settlement...no provision of light water reactors, until the question of special inspections is settled." As we now know, these special inspections that the IAEA has requested for two years will not take place until elements of the light-water reactors are in place—a process that will take at least five more years.

Was there an alternative to abandoning this principle of full transparency? I believe there was. In June last year, my Heritage Foundation colleague Daryl M. Plunk issued a paper that called for a more modest, though fair, "package deal" that would have linked reasonable political and economic rewards to Pyongyang's full compliance with the IAEA demands and with the 1991 North-South denuclearization agreement. But instead of demanding full North Korean nuclear transparency, the Administration decided to grant the North rewards, including relaxed trade rules, exchange of liaison offices, a half-billion dollars worth of fuel oil, and a multi-billion-dollar nuclear power plant project well before transparency is established.

There are three other aspects of the Agreed Framework that I call to the Committee's attention.

- ❶ I wonder about the legal and political standing of an "Agreed Framework." It is not a treaty, and it is not an executive agreement. What is the precise status of what the Administration signed last October?
- ❷ There is the issue of the October 20 letter that President Clinton sent to "His Excellency Kim Jong Il, Supreme Leader of the Democratic People's Republic of Korea." In it, the President says that, in the event that this reactor project is not completed or alternative fuel is not provided for reasons "beyond the control of the DPRK," he will "use the full powers" of his office to provide the reactors and fuel, "subject to the approval of the U.S. Congress." If the Administration is not able to arrange for multinational funding for the promised reactors and fuel, what is the potential liability to the American taxpayers?
- ❸ Then there is the issue of North Korea's present ability to build nuclear weapons. The Agreed Framework does not provide for obtaining North Korea's previously produced weapons-grade plutonium. Both the IAEA and our own CIA have repeatedly said that it could provide the basis for one or two nuclear weapons. Other sources have placed this capability significantly higher. This capability may not present a broad strategic threat to the United States, but it could pose a very potent threat to South Korea and to the nations of the region. It is quite possible that, while reaping generous benefits from the agreement, the North is at this very moment building nuclear bombs.

It is my assessment that Seoul, despite its public support for the Agreed Framework, remains troubled, especially by the last point I mentioned. In addition, Seoul remains legitimately concerned that Pyongyang is actively seeking to use the agreement to pressure Washington into concessions that are aimed at isolating South Korea or at least putting distance between Seoul and its U.S. ally. This is the goal of Pyongyang's April 1994 demand that the Military Armistice Commission that manages the 1953 Armistice Agreement be replaced by a bilateral U.S.-North Korean peace treaty. It is also the goal of Pyongyang's repeated refusal to accept South Korean light-water reactors, even though Seoul will be paying most of the bill. I remind the committee that the Administration has assured us in the past that

the North agreed to South Korean technology. This is yet another instance of North Korea renegeing on its promises.

Mr. Chairman, the October deal was not the best deal the United States could have achieved. It is my hope that its defects will be fully investigated by this committee and other committees in both houses of the Congress.

I do not want to suggest, however, that the agreement be abandoned. We only have one President and one Secretary of State at a time. Instead, I would like to suggest that the Congress can take a leadership role in strengthening the implementation of this agreement.

A lasting peace for Korea cannot be achieved solely through agreements between Washington and Pyongyang. The key to lasting peace is North-South dialogue. The Congress can promote this by focusing on the principal requirement for real progress on the Korean Peninsula: North Korea's entering into a genuine and productive dialogue with South Korea. Section Three of the October agreement obligates North Korea to resume this dialogue. But we can surely expect Pyongyang will make every effort to avoid this requirement indefinitely. In fact, it gives every indication that this is its intention.

This must not be the case. Congress can and should speak strongly to this part of the agreement and in that process help the Administration restore a balance to its goals.

To do this, Congress should pass a joint resolution expressing its view that future funding and political support for the Agreed Framework be heavily dependent upon steady progress in improved North-South relations. Easing the nuclear crisis is not enough. American interests are best served by more sweeping tension reduction steps. This is the principle embraced in a resolution that has been introduced in both the House and the Senate (H. Con. Res. 19 and S. Con. Res. 4), and I urge this committee to consider this important initiative. It is important to note that this carefully crafted bill works within the requirements of the Agreed Framework, and does not amend it.

Passage of this joint resolution will advance the cause of peace in three ways:

- ① It will put North Korea on notice that it must take real and substantial steps to reduce tensions with South Korea.
- ② It will send a much-needed message of support to our ally, South Korea.
- ③ It will encourage the Administration to move beyond the narrow pursuit of non-proliferation goals to a broader agenda that advances resumption of a productive North-South dialogue and long-overdue tension reduction. This, I would suggest, offers the best chance for securing an enduring peace on the Korean Peninsula.

In closing I would like to share with the committee what a former senior government official of the Republic of Korea wrote me in a private letter dated February 20 following a visit to Washington and New York:

To be frank with you I was quite disturbed to find that there seems to be an unmistakable trend among the people in and out of the Administration to de-link implementation of U.S.-North Korea accord from the progress of North-South dialogue. As you would agree, there is a great danger in this approach and this will be the most thorny point between U.S.-Korea relations for some time.

Certainly the resolution in the Congress urging linkage between the two tracks will be of great significance in correcting the Administration's course toward a more desirable direction.

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