

# WebMemo



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## North Korea Denuclearization Requires Rigorous Verification System

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On July 12, the six-party talks nations agreed on July 12 to broad measures for verifying North Korea's pledge to abandon its nuclear weapons programs. The joint communiqué was typically bereft of substantive details, which were deferred to a working group for resolution. North Korea did agree to verification measures that included "visits to facilities, review of documents, interviews with technical personnel and other measures."<sup>1</sup> But there have been no indications to date that Pyongyang has accepted any verification requirements other than at the Yongbyon nuclear facilities.

Creating a sufficiently rigorous verification system is not only a key test of Pyongyang's pledge to abandon its nuclear weapons; it is also the best defense against North Korea violating yet another international nuclear agreement. Such a verification system would be consistent with previous U.S. arms control treaties, earlier North Korean commitments to the International Atomic Energy Agency (IAEA), and denuclearization requirements enacted by South Africa in the early 1990s. Unfortunately, U.S. concessions during the past year have lowered the bar for North Korean compliance and makes suspect the Bush Administration's resolve to secure an acceptable verification regime.

The U.S. should not remove North Korea from the state sponsors of terrorism list until Pyongyang has accepted a verification protocol that specifically covers both its plutonium and its uranium nuclear weapons programs and includes the right to conduct short-notice challenge inspections throughout the country.

Nor should the Bush Administration declare Phase Two of the six-party talks successfully completed until North Korea has fully abided by its commitments, namely "provision by the DPRK [Democratic People's Republic of Korea] of a complete declaration of *all* nuclear programs and disablement of *all* existing nuclear facilities,"<sup>2</sup> i.e., not limited to the plutonium production program at Yongbyon.

**Establishing Full Verification.** The Six Party Joint Statements of February and October 2007 were flawed since they did not delineate North Korean verification requirements. This now puts the Bush Administration at a negotiating disadvantage as it rushes to secure a diplomatic legacy before leaving office. North Korea has declared it won't fulfill its Phase Two disablement commitments until it is removed from the terrorist list, despite there being no requirement for the U.S. to do so during Phase Two.

An existing international agreement, however, stipulates North Korean nuclear verification requirements. U.N. Security Council Resolution 1718, passed in response to North Korea's October 2006 nuclear test, requires that:

the DPRK shall abandon all nuclear weapons and existing nuclear programs *in a complete, ver-*

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This paper, in its entirety, can be found at:  
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ifiable, and irreversible manner; shall act strictly in accordance with the obligations applicable to parties under the Treaty on the Non-Proliferation of Nuclear Weapons and the terms and conditions of its International Atomic Energy Agency Safeguards Agreement; and shall provide the IAEA transparency measures extending beyond these requirements, including such access to individuals, documentation, equipments and facilities as may be required and deemed necessary by the IAEA.<sup>3</sup>

The July 12 communiqué reveals a disturbingly peripheral role for the IAEA: “When necessary, the verification mechanism can welcome the IAEA to provide consultancy and assistance for relevant verification.” As such, it conflicts with U.N. Resolution 1718 as well as North Korea’s September 2005 pledge to “returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons [NPT] and to IAEA safeguards.” The IAEA is the only organization that can certify that Pyongyang has fully complied with its NPT requirements following extensive inspections.<sup>4</sup>

The 1992 IAEA-North Korea Safeguards Agreement (INFCIRC/403) implemented a comprehensive and full-scope verification mechanism. In 1997, the IAEA established a strengthened verification standard (INFCIRC/540) that expanded the scope of monitoring to include research, development, and uranium mining. To prove it had fully denuclearized, South Africa agreed to IAEA inspections “anywhere, any time, any place” and put its nuclear-related facilities under IAEA safeguards.<sup>4</sup>

**What Should Be Done?** Negotiations with Pyongyang should center around three specific conditions:

1. **Insist North Korea Fulfill Its Existing Requirements.** Pyongyang should comply with its data declaration requirements by providing a complete listing of all facilities and equipment related to both its plutonium-based and uranium-based nuclear weapons programs, including the number of nuclear weapons produced and proliferation activities with Syria, Iran, and any other countries. The data declaration provided by North Korea on July 12 was insufficient.

Upon initiation of the verification phase, North Korea should announce its immediate return to the Non-Proliferation Treaty and IAEA Safeguards Agreement and commitment to all required inspections.

Until North Korea fully complies, the other six-party-talks nations should not provide all of the Phase Two economic and diplomatic benefits, including removal from the U.S. state sponsors of terrorism list or convening a foreign minister meeting.

2. **Require More Detailed Follow-On Joint Statements.** North Korea has exploited the vagaries of existing six-party-talks agreements to exploit loopholes or defer its full compliance. The U.S. should insist that follow-on agreements explicitly reference:
  - The plutonium-based and uranium-based nuclear weapons programs;
  - Facilities to be inspected and dismantled;
  - Destruction of nuclear weapons;
  - The extent of the verification protocol;
  - Linkages between denuclearization and benefits; and
  - A timeline for completion.

1. Ministry of Foreign Affairs of the People’s Republic of China, “Press Communiqué of the Heads of Delegation Meeting of the Sixth Round of the Six-Party Talks,” July 12, 2008, at <http://www.fmprc.gov.cn/eng/zxxx/t456096.htm> (July 16, 2008).
2. Ministry of Foreign Affairs of the People’s Republic of China, “Initial Actions for the Implementation of the Joint Statement,” February 13, 2007, at <http://www.fmprc.gov.cn/eng/zxxx/t297463.htm> (July 16, 2008).
3. U.N. Security Council Resolution 1718, October 14, 2006, at <http://www.un.org/News/Press/docs/2006/sc8853.doc.htm> (July 16, 2008), emphasis added.
4. Moon Duk-ho, “North Korea’s Nuclear Weapons Program: Verification Priorities and New Challenges,” The Cooperative Monitoring Center at Sandia National Laboratories, December 2003, at <http://www.prod.sandia.gov/cgi-bin/techlib/access-control.pl/2003/034558.pdf> (July 16, 2008).

3. **Implement a Rigorous and Intrusive Verification Mechanism.** The Bush Administration should insist on verification requirements similar to those of previous arms control treaties. At a minimum, North Korea should accede to the IAEA Safeguards Agreement as amended.

Recommendations for a sufficient verification protocol include:

- A role for both IAEA as well as six-party-talks nation inspection teams. The U.S. has intelligence capabilities, including national technical means, that the IAEA does not. But the U.S. has been hindered by its not wanting to share sensitive information with an international organization;
- Full disclosure of all plutonium-related and uranium-related facilities, including geographic coordinates and functions; a list of all production equipment, fissile material, and nuclear weapons; degree of progress of uranium enrichment program; and export (proliferation) of nuclear technology, materials, and equipment;
- Baseline inspections of declared nuclear-related facilities, including weapons fabrication facilities, high explosive and nuclear test sites, and storage sites for fissile material and nuclear weapons. Verifying states should have the right to inspect each declared facility prior to determining that North Korea has complied with its requirements;
- Technical sampling to refine estimates of the amount of plutonium and enriched uranium produced;
- Short-notice challenge inspections of non-declared facilities for the duration of the agreement to redress any questions about North Korea's nuclear weapons programs. This would include the two suspect sites that North Korea refused to allow IAEA officials to inspect in 1992, precipitating the first nuclear crisis;
- Description of allowable inspection equipment, composition of teams, and the maximum time between declaration of site to be inspected and arrival by inspectors;

- Securing all fissile material and fuel rods and placing them under international monitoring and control as a prelude to eventually disabling all nuclear weapons and removing them from North Korea;
- Destruction protocol to identify the method by which production and enrichment equipment would verifiably be destroyed at pre-declared facilities;
- Defining the linkage between economic and diplomatic benefits to be provided in return for North Korean denuclearization steps;
- A timetable for North Korea to complete its denuclearization to prevent Pyongyang from dragging out negotiations and gaining de facto recognition as a nuclear weapons state; and
- A dispute resolution mechanism and procedures for suspected North Korean non-compliance—e.g., cessation of benefits or automatic referral to U.N. Security Council.

**Learn from Past Mistakes.** After a period of 45 calendar days and absent the enactment of a joint Congressional resolution blocking the proposed rescission, the Secretary of State may rescind North Korea's designation as a state sponsor of terrorism on August 11. But the Bush Administration has conditioned the removal of North Korea from the state sponsors of terrorism list on "a six-party agreement on an acceptable verification protocol ... an acceptable monitoring mechanism, and commencement of verification activities."<sup>5</sup>

When completed, the Bush Administration should publicize the full verification protocol that North Korea has agreed to. If the document is inadequate to fully vet North Korea's data declaration or doesn't contain provisions for challenge inspections, the Bush Administration should not remove North Korea from the terrorist list and the provisions of the Trading With the Enemy Act.

Once an acceptable verification mechanism is achieved, North Korea must implement it in a transparent, compliant, and cooperative manner. Pyongyang cannot be allowed to play a nation-wide shell game on its nuclear programs. The U.S. must learn

5. U.S. Department of State, "North Korea: Presidential Action on State Sponsor of Terrorism (SST) and the Trading with the Enemy Act (TWEA)," June 26, 2008, at <http://www.state.gov/r/pa/prs/ps/2008/jun/106281.htm> (July 16, 2008).

from the shortcomings of the 1994 Agreed Framework and not allow North Korea to indefinitely postpone required inspections.

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