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North Korea Nuclear Verification: Has the U.S. Blinked?

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The Bush Administration announced on October 11 that it had removed North Korea from the state sponsors of terrorism list in return for Pyongyang's acceptance of a six-party talks verification protocol. Details of the verification agreement have not been disclosed pending formal approval at a heads of delegation meeting. The State Department claims that all verification criteria have been satisfied, including applicability to North Korea's uranium enrichment program and proliferation activities.

There are growing indications, however, that the verification measures are not as expansive as has been depicted. Furthermore, some verification measures are tenuously based on side letters or oral agreements with North Korea. As Japanese Prime Minister Taro Aso explained to reporters, "I think the United States has agreed on what it thinks is the understanding and North Korea has agreed on what it thinks is the deal [but] the two are a little different."¹

As is always the case with North Korea, the devil will be in the details of the agreement and, more importantly, Pyongyang's willingness to abide by its commitment. A final judgment on the agreement must await full disclosure, but it already appears that the Bush Administration accepted watered-down provisions for short-notice challenge inspections. Allowing Pyongyang to obfuscate on suspect sites would be a critical shortcoming in the agreement. It also seems doubtful that North Korea would allow inspections of uranium or proliferation-related facilities since Pyongyang continues to deny either ever existed.

Weak Verification of a Flawed Declaration.

The State Department commented that inspectors will have "access to all declared facilities and, based on mutual consent, to undeclared sites."² Unfortunately, as National Security Advisor Stephen Hadley admitted, North Korea's data declaration "was not the complete and correct declaration that we had hoped."³ Pyongyang's declaration did not even encompass all sites involved in the plutonium-based nuclear program.

U.S. officials privately acknowledged that the verification protocol will not provide access to inspect the nuclear test site, plutonium waste site, or facilities involved in the weaponization of plutonium. Experts will have access only to Yongbyon and some academic institutions.⁴

Inspections of non-declared sites will require additional negotiations with North Korea. Bush Administration officials assert that this constraint is consistent with previous U.S. arms control treaties: This is incorrect. The verification protocols of the START, CFE, and CWC treaties, as well as the IAEA Safeguards Agreement, included stronger provisions for suspect site inspections.

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Alienating Washington's Allies. Washington's removal of North Korea from the terrorist list angered key allies Japan and South Korea, who now see the U.S. as unwilling to consider their security concerns. In particular, Tokyo felt betrayed by the Bush Administration's breaking of its pledge to keep North Korea on the terrorist list until progress was achieved on the abductee issue.⁵ Despite recent denials by U.S. officials of such a linkage,⁶ National Security Council Senior Asia Director Dennis Wilder clearly stated in April 2007, "We aren't going to delink the abductee issue from the state sponsor of terrorism issue" and underscored that President Bush would personally reaffirm that position to then-Japanese Prime Minister Shinzo Abe.⁷ Tokyo has now lost considerable leverage in its attempts to get North Korea to live up to its commitment to reopen the kidnapping investigations.

The verification agreement also undermines South Korean President Lee Myung-bak's attempts to impose conditionality, reciprocity, and transparency on Seoul's previously unrestricted economic largesse to North Korea. He will now face greater domestic pressure to abandon his principled policy. Moreover, Pyongyang will be embold-

ened to maintain its brinkmanship strategy and bombastic rhetoric toward Seoul, including recent threats to sever all relations and turn South Korea into "debris."⁸

Questions Congress Should Ask Regarding the Verification Protocol. There are several important questions Congress should ask regarding the verification protocol, including:

- Prior to being removed from the terrorist list, Libya had to admit to and make restitution for its involvement in the Lockerbie terrorist bombing. Why did North Korea not have to acknowledge its role in the 1987 Korean Airline bombing, which killed 115 people?
- President Bush vowed in November 2006 that "the transfer of nuclear weapons or material by North Korea to states or non-state entities would be considered a grave threat to the United States, and we would hold North Korea fully accountable for the consequences of such action." What penalties did the U.S. impose on Pyongyang for giving nuclear technology to Syria?
- Since U.N. Resolution 1718 requires North Korea to resume compliance with the IAEA Safe-

1. Reuters, "Japan Insists North Korea Clear Up Mystery Around Abductees," October 14, 2008, at <http://www.iht.com/articles/2008/10/14/asia/korea.php> (October 30, 2008).
2. U.S. Department of State, "U.S.-DPRK Agreement on Denuclearization Verification Measures," October 11, 2008, at http://seoul.usembassy.gov/nk_101108a.html (October 30, 2008).
3. Press release, "Press Briefing by National Security Advisor Stephen Hadley on the Upcoming United Nations General Assembly," the White House, September 20, 2008, at <http://www.whitehouse.gov/news/releases/2008/09/20080920-2.html> (October 30, 2008).
4. Author interviews with government officials; Glenn Kessler, "Criticism Ignites as U.S. Removes N. Korea from Terrorism List," *The Washington Post*, October 12, 2008.
5. North Korean leader Kim Jong-il admitted to Prime Minister Junichiro Koizumi in September 2002 that Pyongyang had engaged in a program during the 1970s and 1980s to kidnap Japanese citizens. See Richard Hanson, "Japan, North Korea Stumble over Abductions," *Asia Times*, February 16, 2004, at <http://www.atimes.com/atimes/Japan/FB16Dh01.html> (October 30, 2008).
6. Assistant Secretary of State Christopher Hill testified before the Senate Foreign Relations Committee on February 6 that "there are efforts to directly link the abductee issue with terrorism list removal. We are not going to make hard linkages." See Assistant Secretary of State Christopher Hill, "Status of the Six-Party Talks for the Denuclearization of the Korean Peninsula," testimony before the Foreign Relations Committee, U.S. Senate, February 6, 2008.
7. Yonhap News Agency, "U.S. will not remove N. Korea from list of terror-sponsoring states: official," April 27, 2007, at <http://www.freerepublic.com/focus/f-news/1824427/posts> (June 26, 2008). Former Deputy Secretary of State Richard Armitage and former NSC Senior Asia Director Michael Green affirmed there was a clear linkage between the abductee and delisting issues.
8. Associated Press, "N. Korea threatens to turn S. Korea into 'debris,'" October 28, 2008, at <http://edition.cnn.com/2008/WORLD/asiapcf/10/28/koreas.tension.ap/?iref=mpstoryview> (October 30, 2008).

guards, why does the verification protocol stipulate only a tertiary role for the IAEA?

- Does North Korea concur that the side letters and oral agreements of the verification protocol are legally binding? Will these private agreements—along with the June 26 data declaration and the separate codicils on uranium and proliferation—be made public?
- Why did U.S. officials claim that “every element of verification that we sought is in this package” when that is clearly not the case? Why did U.S. negotiators accept a lower standard of verification than previous U.S. arms control treaties and what U.N. Resolution 1718 required?
- Did North Korea’s June 26 data declaration include information on any of the following: plutonium waste sites, weapon fabrication facilities, high-explosive test facilities, the nuclear test facility, and plutonium and weapon storage facilities?
- Since North Korea agreed in September 2005 to give up its nuclear weapons, how far have negotiators progressed in determining how these weapons will be eliminated and the timeline for completion?
- Phase Two of the six-party talks requires the disablement of *all* nuclear weapons facilities, and Assistant Secretary Christopher Hill reassured Congress that “all means all.” Is the Bush Administration now redefining “all facilities” and verification to apply only to Yongbyon?
- How does the Bush Administration explain discrepancies between North Korean officials’

repeated statements that Pyongyang seeks to gain acceptance as a nuclear weapons state and North Korea’s agreement to six-party talks denuclearization requirements?

- Why is Pyongyang unwilling to accept definitive text defining its requirements? Is such behavior not a signal that North Korea seeks to minimize, if not avoid, compliance?

Trading a Tangible Benefit for an Intangible Promise. A rigorous verification protocol is of critical importance to ensuring that North Korea does not again cheat on an international denuclearization agreement. The U.S. simply cannot allow North Korea to play a nationwide nuclear version of three-card monty. Some will cite the adage “half a loaf is better than none” to justify compromised principles and half measures. But a bad agreement on verification is worse and more dangerous than no agreement at all.

The October 11 verification agreement is another example of the U.S. bowing to North Korean pressure and accepting a weak agreement to defuse a confrontation rather than resolving the underlying issue. Washington previously accepted a “complete and correct” declaration that was neither, and it now appears on the brink of acceding to a complete, verifiable, and irreversible dismantlement accord that is none of the above.

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