



North Korea's Nuclear Disclosures and the Six Party Talks By Scott Snyder

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The Six-Party Talks reconvened last week in Beijing for the first time since the release of a six party joint statement issued by China on October 3, 2007 that anticipated a series of concrete measures to be completed by the end of 2007. During the hiatus, the U.S. and North Korea negotiated bilaterally over how to implement the commitments outlined in that statement to disable all nuclear facilities in North Korea, beginning with the ones at Yongbyon. Meanwhile, North Korea "reaffirmed its commitment not to transfer nuclear materials, technology, and know-how" and to make a "complete and correct" declaration of its nuclear programs in return for one million tons of heavy fuel oil or equivalent energy supplies, the improvement of U.S.-Democratic People's Republic of Korea (DPRK) political relations through removal from the U.S. terrorism list and repeal of the Trading with the Enemy Act, and the improvement of Japan-DPRK relations through implementation of the Pyongyang Declaration.

North Korea's formal submission of its declaration to the Six-Party Talks on June 26th and the accompanying announcement by President Bush that he was notifying the U.S. Congress of his administration's intent to remove North Korea from the terrorism list and to repeal the Trading With the Enemy Act marked a significant step in the direction of implementation of the October 3, 2007 joint statement. In particular, the disablement of the Yongbyon facilities has removed the immediate prospect that North Korea might continue to expand its nuclear arsenal through the production of more fissile material without facing significant time and financial costs to restore those facilities to working order. Completion of these steps marks tangible progress toward the implementation of prior agreements to essentially swap the DPRK's normalization of relations with the U.S. and Japan along with tangible commitment to North Korea's economic development for North Korea's denuclearization on the principle of "action for action." However, a close examination of progress-to-date also reveals several worrisome shortcomings that have stimulated opposition and frustration in Washington.

The main issues of concern include the following:

1) The June 26 DPRK declaration is not "complete and correct." Although the text of the declaration has not yet been released, the programs, facilities, and materials outlined in the declaration reportedly exclude information regarding North Korea's weaponization, non-Yongbyon based facilities, and its

suspected uranium enrichment program. These significant omissions mean that the declaration is a "limited declaration" rather than a "complete and correct declaration," raising questions in some quarters as to whether the corresponding U.S. actions can be justified on the basis of North Korea's limited and partial compliance with its commitments.

As a practical matter, it should be expected that the DPRK might want to withhold information regarding weaponization until a later stage in the talks focused on "denuclearization" rather than "disablement" or "dismantlement." Likewise, an apparent secret understanding between the U.S. and North Korea has set aside questions regarding the DPRK's uranium enrichment efforts for the time being.

The most serious limitation of the North's declaration is related to the presumed failure to declare facilities other than those at Yongbyon, since it shows a continued failure by the DPRK to acknowledge that its commitments to dismantle "all" facilities must include those undeclared facilities to which the IAEA and the international community have not had access since the early 1990s. In particular, international access to the sites related to North Korea's October 2006 test of a nuclear device is a critical litmus test of its willingness to fully denuclearize. While Pyongyang continues to criticize the other members for not honoring their end of the bargain, the million tons of heavy fuel oil or equivalent in aid was actually supposed to be for disablement of all nuclear facilities, not just Yongbyon.

2) The removal from the U.S. state sponsors of terrorism list and repeal of the Trading With the Enemy Act anticipated under the October 2007 Six-Party Talks joint statement are corresponding actions that were to be undertaken in response to the submission of a "complete and correct" declaration, but those steps have now been undertaken in response to North Korea's submission of a limited declaration. This U.S. concession is of particular concern given that there is not yet a record of performance that might yield confidence in the ability of either side to implement the agreement according to expectations.

On the U.S. side, President Bush and Secretary of State Condoleezza Rice have emphasized the importance of building concrete verification measures into the process as the U.S. begins to implement its obligations. A major focus of the Six-Party Talks will be to secure concrete understandings regarding those verification measures, including the establishment of a verification working group under the Six-Party Talks. However, it would have been more appropriate to secure understandings regarding concrete methods of verification prior to acceptance of North Korea's declaration and the corresponding initiation of the process of removing North Korea from the terrorism list and repeal of the Trading with the Enemy Act.

Likewise, the slow pace of implementation of six-party pledges to provide North Korea with energy supplies has provided North Korea with a pretext for slowing down performance of its own corresponding commitments, given the tacit acceptance by the others of the North's reinterpretation of the agreement by tying the million tons equivalent to dismantlement of Yongbyon alone. The decision to deal separately with the enriched uranium and proliferation issues has also come under criticism, especially since revelations made separate from the six party process regarding North Korea's activities in these two areas make it increasingly difficult to ignore them.

3) While the negotiation of technical aspects related to implementing the October 3, 2007 joint statement has required arduous and intensive bilateral contacts that have yielded tangible results, the process has not sufficiently engaged all of the six parties. The way the agreement has been implemented leaves the impression that the U.S. and North Korea are operating independently of the other parties and that the Six-Party Talks is a fig leaf for U.S.-DPRK contact rather than the main venue for negotiation.

The submission of North Korea's declaration provides an opportunity to take tangible steps in verifying North Korean submissions, especially in the area of accounting for North Korea's past plutonium production. This step forward opens the door to potentially significant additional progress in the denuclearization process, but that task is likely to be inherited by the next U.S. administration. It is important for a new administration to recognize that while progress made thus far effectively contains the prospect of an immediate crisis, the need to complete North Korea's denuclearization is no less urgent when a new administration takes power than it is today.

In addition to implementing an effective verification process through the establishment of a new working group, another likely task for the Six-Party Talks as part of their review of previous commitments made under the February 13, 2007 and October 3, 2007 joint statements will be to determine the timing for a Six-Party Ministerial meeting to affirm progress made and to identify clearly the remaining tasks on the road to denuclearization. The limited progress made thus far illustrates just how difficult the remaining challenges are likely to be. As a result, tenacity and continued high-level attention will be required if the process is to achieve its objectives of North Korea's full denuclearization in tandem with normalization of North Korea's political relations and fuller political and economic integration with its neighbors.