

Status of the Six Party Talks 2007 and beyond

By Jangnyeol Moon

The Six Party Talks have been dealing with the North Korean nuclear problem for roughly five years by the end of 2007. After many ups and downs on the rocky road of negotiation to the denuclearization of North Korea, the six parties, namely South and North Korea, the US, China, Japan, and Russia, reached a concrete action plan to resolve the problem and had it initiated by all parties including, most importantly, North Korea during 2007. As the year 2008 begins, it seems worthwhile to recount in various respects the proceedings of the Six Party Talks up to 2007 with a further prospect for the coming years.

North Korea is known to have constructed a nuclear complex in Youngbyon, about a hundred kilometers north of Pyongyang, already in the 1960s and completed the nuclear fuel cycle with a 5 MW graphite reactor in the 1980s. Their nuclear activities became known to the world and invoked international concerns as satellite photographs of related facilities taken by

the French commercial satellite SPOT were disclosed in late 1989. Under the pressure of the international community, but after a series of mutual actions among two Koreas and the US, North Korea signed the Nuclear Safeguard Agreement in January 1992 and became subjected to IAEA inspections. The IAEA, however, raised the question of "disagreement" that the amount of reprocessed plutonium declared by North Korea differed significantly from that estimated by the inspectors, who requested a special inspection. North Korea thereupon strongly protested and criticized the IAEA for unfairness and finally declared in March 1993 that they would reject IAEA inspections and get out of NPT.

This incident, the so-called first North Korean nuclear crisis, was wrapped up by agreements between North Korea and the US after negotiations in Geneva in October 1994. The major items of the agreement, dubbed Agreed Framework, included such items as the following:

- North Korea freezes nuclear facilities and reaccepts IAEA inspections.
- KEDO (Korea Energy Development Organization) is to be formed to provide North Korea with two lightwater reactors with a capacity of one million kilowatts each.
- The US provides North Korea with 500,000 tons of heavy fuel oil each year until the reactors are in operation.
- Both North Korea and the US endeavor to normalize their relations.

The formation of the Six Party Talks

The progress of implementing the Agreed Framework was rather slow, despite US engagement policy being relatively soft towards North Korea during the Clinton Administration. Particularly, the construction of the lightwater reactors kept being delayed with regard to the schedule and the normalization of North Korea-US relations saw few necessary mutual actions. Amidst this semi-stalemate and dire economic hardship, North Korea test-fired a long-range ballistic missile known as Daepodong in August 1998, a stark confrontation against US top foreign policy, namely the non-proliferation of weapons of mass destruction (WMD) and missiles. It could be taken as an irony that the missile test reinvigorated US engagement with North Korea and culminated with an agreement for a summit after an

exchange of high-level officials between the two countries in late 1999. Moreover, the Kim Dae Jung Government's Sunshine Policy and the first South-North summit in June 2000 played a role in reinforcing the amicable atmosphere among all relevant state parties.

Unfortunately, however, all those positive developments suddenly halted as the Bush Administration was initiated in 2001. Its "neoconservative" policy took a fundamentally different stance towards North Korea, which was manifested most clearly by President Bush's declaration to include North Korea in the "axis of evil." Finally, the real demise of the Agreed Framework, as was then widely presumed, followed right after the US State Department's Deputy Assistant Secretary, James Kelly, visited Pyongyang in October 2002. He accused North Korea of having carried out a clandestine HEU (Highly Enriched Uranium) program, and according to his own debriefing North Korea "acknowledged it." The US immediately suspended heavy fuel oil supply and North Korea in return lifted the nuclear freeze, expelled IAEA inspectors, and then withdrew from the NPT in January 2003, which is often called the second North Korean nuclear crisis.

In the meantime, the South Korean Democratic Party won the presidential elections once again and the new Rho Moo Hyun Government was launched with the will to succeed and expand the Sunshine Policy. Presently, the open resumption of North Korea's nuclear activity not only

escalated the confrontation between the US and North Korea and obstructed a smooth advancement of South-North relations, but was also regarded as posing an unacceptable threat to regional security. Thus China volunteered and endeavored to play a role of showing its good offices in addressing this crisis, and after a tri-partite meeting between North Korea, the US, and China held in April 2003 the Six Party Talks officially came into being.

Six Party Talks before 2007

The first three rounds of the Six Party Talks convened in April 2003, June 2004, and October 2004, were essentially an open arena of dispute between North Korea and the US: the latter demanded the complete, verifiable, and irreversible dismantlement (CVID) of the former's nuclear programs, whereas the former requested the latter's official security assurance by, for instance, a non-aggression treaty. As the next round of meetings remained out of sight for a prolonged period of time, North Korea officially declared in February 2005 that it possessed nuclear weapons and would keep increasing its arsenal. Still firmly resolved in seeking a peaceful solution, the South Korean Minister of Unification paid a visit to Kim Jong Il in June and confirmed his willingness to return to the table of the Six Party Talks, the fourth round of which were thus held in September.

Through great labour pains over a couple of "stages," the fourth round of the Talks could reach a comprehensive agreement in the form of a joint statement on 19

September 2005. Major items of the "9 19 (9/19) Joint Statement" included among other things:

- All state parties are in consensus on the verifiable and peaceful denuclearization of North Korea.
- The US and Japan will normalize their relations with North Korea.
- The state parties will launch energy and economic cooperation for North Korea. Particularly, South Korea will support the North with two million kilowatts of electric power.
- The state parties will commit themselves to regional peace and stability including the establishment of a "Korean Peninsula Peace Regime."
- The implementation of the agreement shall be carried out step-by-step and in mutually coordinated actions.

Yet again the difficulty of making substantial progress in the North Korean nuclear problem was proved only when the US Department of Treasury froze the North Korean account in Banco Delta Asia (BDA) in Macao containing 25 million dollars claiming it to be related to illicit activities. The 919 (9/19) Joint Statement remained in the drawer. North Korea strongly demanded the lifting of sanctions and urged the US to attend bilateral talks in order to address the problem, but without getting any positive answer. In July 2006

North Korea demonstrated its protest by carrying out multiple missile test launches including, as was believed, the Daepo-dong-II. Not finding the anticipated effect from this, North Korea finally showed its presumably last card, a nuclear test in October 2006.

Proceedings in 2007: the 2 13 (2/13) Agreement and actions

The test was generally evaluated as having "fizzled out" or been half-successful or sub-critical at best, but it did put everybody in a state of emergency. As its shock wave became felt, the contacts, both official and unofficial, surged up among the members of the Six Party Talks apart from North Korea. The *raison d'être* of the Talks became more strengthened and their purpose more stringent. Perhaps most importantly, the hard stance of the US towards North Korea eased up, at least apparently, which expedited in February 2007 the reconvening of the Talks that had been dormant for almost a year and a half.

The agreement reached on 13 February (2 13 (2/13) Agreement) reconfirmed the 9 19 (9/19) Joint Statement and specified its concrete implementation actions in two phases, as follows:

1 First phase (within 60 days)

North Korea will shut down and seal nuclear facilities, reactivate IAEA inspectors, and make a complete list of all nuclear programs for sixparty consultation.

South Korea will provide North Korea with 50,000 tons of heavy oil.

2 Second phase

North Korea will provide complete declaration of all nuclear programs and undertake the "disablement" of all existing nuclear facilities.

Other parties will provide North Korea with economic, energy, and humanitarian aid at a value of 950,000 tons of heavy oil.

3 Five working groups will be formed and activated for implementing the 9 19 (9/19) Joint Statement, whose titles are:

- denuclearization of the Korean Peninsula,
- normalization of North Korea-US relations,
- normalization of North Korea-Japan relations,
- economic and energy cooperation, and
- a peace and security regime for North East Asia.

Although no statement on the BDA problem appeared in the 2 13 (2/13) Agreement, it was understood that the US would lift the freeze on North Korean accounts and that North Korea would take action accordingly. This time, however, a few technical difficulties surfaced in the course of transactions between banks, and the whole problem could only be resolved in September. Fortunately, there occurred no misfortunes other than the delay of the process itself and South Korea shipped the promised amount of heavy oil to North Korea in July.

Obstacles having been cleared up, the six parties immediately got together in the beginning of October and agreed on some near-term implementation actions: North Korea accepts nuclear inspections and undertakes the disablement of three major facilities by the end of 2007. (These are the 5MW reactors, the reprocessing facilities, and the fuelrod manufacturing factory. The disablement comprises 11 component actions.) In return, the US excludes North Korea from the list of terror sponsors and lifts the economic sanctions. One day later, on 4 October, the Second Inter-Korean Summit Joint Declaration reconfirmed common commitments in implementing the 9 19 (9/19) Joint Statement and the 2 13 (2/13) Agreement. A week later, North Korea accepted the US technical group in order to show their nuclear facilities and they had another visit on 1 November to demonstrate the disablement actions including the removal of 8,000 spent fuel rods from the 5MW reactor. During the last week of November, delegations from South Korea, China, and Japan, in addition to the US, visited North Korea to oversee the disablement work for the three major facilities.

As of the end of year 2007, the second phase of 2 13 (2/13) Agreement is in progress at a slower pace. North Korea accepts inspections and is known to be in preparation of a complete declaration of their nuclear programs continuing to work on the disablement scheme. Other parties are in turn, providing North Korea with heavy oil by 50,000 tons at a time. Inter-Korean

talks are opening up on various levels and contacts between North Korea and the US are being maintained though such issues as deleting North Korea from the list of terror sponsors and lifting economic sanctions, yet this remains off the agenda inside the US legal community.

Analysis and prospects

The North Korean nuclear problem may be said to have arisen as both cause and effect of the confrontation between North Korea and the US. Let alone the past history stretching back to the Korean War, the post-Cold War and the post-9 11 (9/11) international security environments could never allow the US non-proliferation policy and North Korea's WMD-based military strategy to coexist. North Korea's threat perception seems to have been heightened up by the militaristic behaviors of the only superpower on the global and regional levels and its alleged intentions for a change of regime under Kim Jong Il's autocracy. This, coupled with internal economic hardship, put North Korea in an all-out strife for the regime's survival adopting the nuclear weapons program as a means to realize it, as well as for other purposes including internal control. Hence the Six Party Talks were, at the outset, destined only to hinge around these two parties' mutual interaction.

Any observer of the Six Party Talks could easily identify major obstacles that have prevented the Talks from becoming a real success. The single most fundamental one is the deep-rooted distrust between

North Korea and the US. The lack of confidence naturally makes them reluctant to compromise on their strategic mismatch, to save each other's face, and to move first. Standing on the brink of life and death, however, North Korea may not be able to have much room for choosing any flexible negotiation tactics other than their 'good old,' or 'bad old,' brinkmanship. It has been repeated by North Korea every time the Six Party Talks became bogged down and it is hard to deny that it worked. The year 2007 saw for the first time actual practices of an agreement in the framework of the Six Party Talks by all the member states. Perhaps this progress was forced by an urgent need to compromise between North Korea and the US that was common but certainly from different origins: On the one hand, North Korea might have used its last negotiation card, a nuclear test, desperately waiting and hoping for a new breakthrough but not wanting the collapse of the Six Party Talks framework. The US, on the other hand, might not be able to bear with another wholesale failure in Northeast Asia in addition to the one in the Middle East, for which it should rather be looking for some compensation.

As of the beginning of 2008, it is tempting to review some prospects for the denuclearization of North Korea in the context of the Six Party Talks. In a manner of speaking, the view ahead is murky and the horizon blurred, that is, the situation would not yet allow for any easy wishful thinking. Of course, one could tentatively have positive prospects based on such factors as the

recent developments still in progress and the reinforcement effect of the multilateral framework including the inter-Korean dialogue and cooperation systems. However, there seem to be more serious factors that are showing negative prospects: There is, as always, the problem of 'devil's hiding in details.' Each action of North Korea in the declaration and disablement of its nuclear facilities may be comprised of sensitive and controversial details which could lead to a sudden demise of the entire process. In this respect, North Korea has created little confidence through its track record. The distrust between North Korea and the US has not been decreased enough, that is, the most fundamental factor of the whole problem remains practically intact. Though it is presently premature to have any expectations either good or bad, the North Korea policy of the next administration of the US, to be determined in 2008, could constitute another critical factor.

Issues further and beyond

As far as the complete denuclearization of North Korea is concerned, the 9/19 (9/19) Joint Statement and the 2/13 (2/13) Agreement touch upon the very first part of the whole presumed. Further negotiations and agreements with implementing actions must follow in due course aiming essentially at the CVID (complete, verifiable, and irreversible dismantlement) of *all* nuclear programs, facilities, and explosive devices (including warheads, if any) of North Korea. In return, the quid pro quo nature of the framework will impose

more responsibilities on other state parties, if to some varying degrees, for energy support and economic aid to North Korea. In the mid-term and long-term perspective, the revival of KEDO (Korea Energy Development Organization) and the lightwater reactor project of the 1994 Agreed Framework, suspended and terminated at the initial stage of the Six Party Talks, might be worth reconsidering, and, furthermore, come to the fore again on the negotiation table sometime.

There are also some issues that were mentioned in but would go beyond the Six Party Talks. First is the normalization of bilateral relations of North Korea with the US and Japan. These two sets of bilateral relations would most probably be in phase considering the deep and wide alliance relations between the US and Japan. Such normalizations will only be possible if the denuclearization of North Korea is totally assured, but at the same time speeded up on their part in the process of denuclearization. They will also provide more solid ground for the political and military stability in a wider regional context.

Another major agenda could be the establishment of the Korean Peninsula Peace Regime. The Korean peninsula is still technically at war. That is, it is said to be under the "Armistice Regime", since the Korean War was suspended by the 1953 Armistice Agreement and no official termination of the War has been declared so far. This belated treatment of the more than half a century old bruise could require a series

of tricky operations, both politically and legally. Officially declaring the termination of the Korean War and the signing of a new peace agreement both by 'appropriate' state parties sequentially or simultaneously will open up a new peace regime. But the really hard part will immediately emerge including, inter alia, a change of internal laws of each Korea regarding each other, arms control or reduction between the two Koreas, and the matter of the US Forces stationed in South Korea.

Last but not least, one could think of the evolution of the Six Party Talks into a forum for Northeast Asian regional security cooperation. The fact that these six parties include all the regional residents, plus the US as a key player from outside, provides a natural rationale here in the absence of any official multilateral security dialogue in the region up to the present. In fact, there exists a semi-official forum named NEACD (Northeast Asia Cooperation Dialogue) formed in 1993 by participants from the same 6 countries. But this and other official or unofficial dialogues have not been successful enough to evolve into a higher form of their kind. As has always been pointed out, major obstacles include, to name a few, the long historical animosities among nations, the lingering legacy of the Cold War, the new post-Cold War hegemonic competition, and the present proliferation threat all in the region. Again, however, it absolutely depends on the resolution of the North Korean nuclear problem to make any progress in this issue as in all others.

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