

North Korea

Background

Escalating Confrontation

Since withdrawing from the Nuclear Non-Proliferation Treaty (NPT) in 2003, North Korea has been able to expand its nuclear weapons program essentially unfettered. It conducted its first test of a nuclear weapon on October 9, 2006, and is believed to have produced enough material for about ten nuclear weapons. North Korea has threatened to transfer a nuclear weapon or weapon material to a non-state actor or country hostile to the United States. It has also pursued its missile program, conducting seven missile tests, including a test of its long-range Taepodong-2 missile, on July 5, 2006.

Tensions with North Korea have escalated since October 2002, when the United States confronted it over its clandestine highly enriched uranium program (another path, besides plutonium production, to acquiring nuclear weapons) and halted fuel assistance. Pyongyang responded by suspending its freeze on plutonium production, which had been in place since 1994; expelling International Atomic Energy Agency (IAEA) inspectors; and withdrawing from the NPT. Since then, North Korea has continued to produce and accumulate nuclear weapon-usable material, with several of its nuclear weapons facilities suspected of being hidden underground.

Prior Negotiations With North Korea

In 1994, North Korea and the United States came close to war. The crisis resulted from the IAEA's decision to impose tougher inspections on North Korea. The North defied the international community, threatening to withdraw from the NPT and reprocess 8,000 fuel rods to acquire plutonium. As the United States planned for possible military strikes on the North Korean nuclear complex, the North threatened to retaliate by turning Seoul into a "sea of fire."

After the crisis was resolved—through deft diplomacy and the intervention of former President Jimmy Carter—the United States and North Korea signed an agreement, the Agreed Framework, to stop North Korea's nuclear weapons program. North Korea agreed to freeze plutonium production, remain in the NPT, and accept tougher inspections. In exchange, the agreement called for replacing North Korea's graphite reactors with two light-water reactors to decrease the risk of proliferation and supplying North Korea with heavy fuel oil until the nuclear plants were built. Both countries promised to take steps toward the normalization of economic and political relations. The Agreed Framework delayed Pyongyang's nuclear program, although North Korea and the United States disagreed over its implementation.

After his election in 2000, President George W. Bush chose not to pursue direct negotiations with North Korea, but agreed later to the Six-Party Talks process which started in 2003 and includes Russia, China, South Korea, and Japan. Meanwhile, Kim Jong Il became more defiant; and in early 2005, North Korea announced that it had nuclear weapons.

In September 2005, the six parties signed a Statement of Principles, marking a short-lived improvement in the negotiations. The agreement provided that North Korea would terminate its nuclear programs, return to the NPT, and accept IAEA safeguards. In exchange, the United

States stated its peaceful intentions toward North Korea and vowed not to deploy nuclear weapons in South Korea. This agreement collapsed the day after its announcement, however, due to disagreement about implementation, the imposition of additional conditions by the United States, and the levying of sanctions against financial institutions that had been dealing with North Korea, enabling its counterfeiting and money-laundering schemes.

In December 2006, more than a year after negotiations had stalled, North Korea returned to the Six-Party Talks demanding that the United States lift the sanctions imposed on financial institutions dealing with North Korea.

Talking Points

- **The U.S. needs a viable diplomatic strategy to end North Korea's nuclear weapons capability.**

North Korea's nuclear weapons program poses an urgent threat to U.S. and international security. However, the United States has yet to outline a viable and effective strategy to deal with North Korea's growing nuclear arsenal. As a result, there has been a lack of progress in negotiations, which have bogged down in conflicts about form rather than substance (with the United States insisting on the Six-Party Talks framework, and North Korea seeking direct talks with the United States). Meanwhile, North Korea has continued its nuclear weapons program.

The United States should outline an effective "carrot-and-stick" strategy consisting of positive incentives (including economic and energy incentives, security assurances, and the possibility of normalized diplomatic relations) with sequenced implementation measures in return for requiring North Korea to verifiably dismantle its weapons program and rejoin the NPT.

- **A military strike is likely to be both costly and dangerous.**

Without sufficient intelligence about Kim Jong Il's secretive regime and the location of underground nuclear weapons sites, a military strike would prove both unacceptably costly (resulting in an attack on South Korea and U.S. troops in the region) and ineffective (failing to destroy North Korea's nuclear weapons capability).

- **North Korea has been willing to negotiate.**

The United States has negotiated with North Korea before: the 1994 Agreed Framework delayed North Korea's nuclear weapons program by freezing its plutonium production. It is necessary to recreate the conditions for good-faith negotiations that can lead to a viable diplomatic solution.

- **Intrusive inspections are needed to ensure that North Korea is not cheating.**

North Korea circumvented the intent of the 1994 agreement by pursuing a secret uranium enrichment program. Any agreement with North Korea must require intrusive inspections to make sure that it is not renegeing on its promises.

Prior Legislation

In September and October 2006, Congress passed two legislative measures related to North Korea. In the FY 2007 Defense Authorization bill (H.R. 5122), Congress required the President to appoint a Policy Coordinator for North Korea within 60 days of enactment, report to Congress

on recommendations for dealing with North Korea within 90 days, and report to Congress on North Korea's nuclear and missile programs every 180 days in FY 2007 and FY 2008.

In addition, the North Korea Nonproliferation Act of 2006 (H.R. 5805 and S. 3367) allows the United States to impose sanctions on foreigners who transfer nuclear or other weapons of mass destruction, or related material or technology, to or from North Korea.

Legislative Recommendations for 2007

- Congress should endorse direct talks without preconditions with North Korea to expedite negotiations over its nuclear weapons program.
- Congress should require regular reporting from the administration on progress made toward a viable diplomatic strategy (with sequenced measures to provide incentives for North Korea to abandon its nuclear weapons program verifiably), and on progress made during direct talks and negotiations.

Additional Resources

Congressional Research Service, *North Korea's Nuclear Weapons Program* (report by Larry A. Niksch), updated October 5, 2006

<http://www.fas.org/sgp/crs/nuke/RL33590.pdf>

Harrison, Selig S., op-ed, *Hankyoreh Shinmun Seoul*, October 2, 2006

<http://ciponline.org/asia/articles/100206harrison.htm>

Allison, Graham, op-ed, "Deterring Kim Jong Il," *Washington Post*, October 27, 2006

<http://www.washingtonpost.com/wp-dyn/content/article/2006/10/26/AR2006102601254.html>

Nuclear Threat Initiative: North Korea

http://www.nti.org/e_research/profiles/NK/index.html

Nuclear Age Peace Foundation: North Korea

<http://www.nuclearfiles.org/menu/key-issues/nuclear-weapons/issues/proliferation/north-korea/index.htm>

Arms Control Association: North Korea

<http://www.armscontrol.org/country/northkorea/>