

裁かれる関与政策
Engagement on Trial
米朝枠組み合意の短い歴史
The Short History of the U.S.-North Korea
Agreed Framework

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Introduction

U.S. President Bill Clinton left office in January 2001 confident that, with a little effort, the United States could end the threat posed by the Democratic People's Republic of Korea (DPRK or North Korea) upon the Northeast Asian region and the international community. His administration had succeeded in freezing the core elements of North Korea's nuclear program from June 1994, and in the closing days of its tenure in office had come close to terminating its long-range missile development and sales. The incoming Bush administration, Clinton predicted, would soon "be able to consummate this agreement."¹

The engagement policy — anchored by the 1994 Agreed Framework — that eventually defined the Clinton administration's response to North Korea emerged slowly: it appeared as an alternative to entanglement but gathered steam only after the 1999 Perry Report endorsed it as the most viable policy option toward improving these bilateral relations. Previous to this review, the president, not wanting to risk political capital and facing heavy opposition over the agreement, made little effort to implement U.S. responsibilities. Successful negotiations in Berlin that procured a North

Korean moratorium on long-range missile tests, along with monumental changes in South Korea's approach to its northern neighbor, ignited a flurry of eleventh-hour diplomatic activity between the U.S. and North Korea. Indeed, in the closing days of his second term, the president himself seriously contemplated a state visit to P'yŏngyang.

Clinton's successor, George W. Bush, loaded his cabinet with a team of security advisors united in their disdain for engagement policy with North Korea. Influential members of the new administration's party had directed a number of bipartisan efforts to curb the former president's ability to implement U.S. responsibilities. During its first two years in office the Bush administration orchestrated a retreat from this consolatory diplomatic approach. U.S.-North Korea relations have since returned to the estrangement approach that the Clinton administration accepted, and practiced, upon assuming office in 1993 that insisted on North Korean behavioral change before the U.S. would issue any diplomatic carrots.

The terms of the 1994 Agreed Framework redefined the direction of U.S. policy toward North Korea in that it traded U.S. carrots for North Korean carrots. Though criticized by opposition as the United States succumbing to North Korean "nuclear blackmail," the approach clearly succeeded in not only attaining its most immediate objectives—curbing North Korea's nuclear program—but also in laying the groundwork to resolve other outstanding issues, such as North Korea's long-range missile program. The historical mistrust that the two states have endured over the past half-century complicated any efforts to reach the agreement's long-term goal of U.S.-North Korean diplomatic normalization.

The 1994 Agreed Framework

The Agreed Framework established a set of short- and long-term goals that, if carried out to completion, would have secured normal relations

between its two signatories—the United States and North Korea. The agreement's immediate concern was to halt the North Korean nuclear program and provide the state with an alternative energy source. North Korea's vow to freeze the development of its nuclear facilities in Yongbyon and Taechon, along with the United States' promise to arrange an annual delivery of 500,000 metric tons of heavy fuel to North Korea until two light-water reactors (LWRs) were installed, fulfilled these fundamental concerns. North Korea's pledge to return to the nuclear Non-Proliferation Treaty (NPT) addressed one major U.S. concern that had initiated the impasse in the first place.

Long-term provisions directly targeted North Korea's demands for economic and political recognition by the United States. Article II of the agreement, for example, required the “two states [to] move toward full normalization of political and economic relations.” This requirement outlined a three-stage process that first required the two states to reduce trade and investment barriers, before opening liaison offices in each other's capitals, and upgrading their bilateral relations to the ambassador level. The United States conditioned progress toward these goals on North Korea's cooperation in resolving “issues of concern” as specified in a “confidential minute.”² The Agreed Framework also included measures to strengthen regional security. It obligated the United States to “provide formal assurances to the DPRK against the threat or use of nuclear weapons,” while committing North Korea to “engage in North-South dialogue.”³

Terms of the Agreed Framework also tied the signatories to obligations that North Korea made in previous agreements. Article III (2) required North Korea to “take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula” that it signed with South Korea on December 31, 1991. The conditions of this agreement prohibited either party from developing technology to enrich uranium. The preamble

of the Agreed Framework committed both the United States and North Korea to work toward creating a "nuclear-free Korean peninsula" by reaffirming the two states' commitment to the "Joint Statement of the DPRK and the USA" signed in New York on June 11, 1993. Thus, the Agreed Framework incorporated the fruits of negotiations conducted over the past few years not only between North Korea and the United States, but also between the two Koreas, as well.

The semantics of the Agreed Framework's text, along with its staggered time schedule, demonstrated the acute mistrust that both sides harbored toward the other. The relations that the two states have endured for the past half-century have never been friendly: despite progress a dangerous cold war environment prevents their developing more amicable relations to this day. Thus, advancement toward the more permanent provisions of the agreement was contingent on both sides demonstrating a willingness to implement the agreement's less threatening provisions. The delivery of the LWRs provides a case in point. While the agreement obligated North Korea to freeze its graphite reactors within a month and allow the IAEA to monitor this freeze from the onset, it did not require the North Koreans to come into "full compliance with [IAEA] safeguards" until after "a sufficient portion of the LWR project is completed, but before delivery of key nuclear components." North Korea was also able to delay the dismantling of these older reactors until after the new reactors were installed. Chief negotiator Robert L. Gallucci explained this delay as a "monument to the highest levels of mistrust between two nations,"⁴ one that limited the two states to seek gradual, rather than radical, progression.

U.S. mistrust of North Korean intentions limited Gallucci to negotiating a "political agreement" rather than a formal treaty. The principle difference between the two is that an agreement did not require Congressional ratification, a time-consuming process that North Korea's promise to freeze its nuclear activity at Yongbyon might not have survived.

This promise had been a verbal commitment made by the now deceased Kim Il Song to former U.S. president Jimmy Carter during his June 1994 trip to P'yongyang. Negotiating a treaty, Gallucci reasoned, would also have committed the United States to providing the LWRs had the KEDO consortium failed to materialize.⁵ Pressure from North Korean hardliners opposed to their country's engagement with the United States no doubt influenced North Korean negotiators, as well. The agreement, which compromised North Korea's nuclear interests by requiring it to go beyond restrictions established in international agreements, was reluctantly tolerated by these hardliners only after it received Kim Jong Il's endorsement.

Misconceptions of the Agreed Framework

The Agreed Framework shouldered intense and often unfair criticism over many of its provisions that stubbornly persisted despite the questionable conclusions drawn by these claims. Many points raised in this criticism influenced the Bush administration's position on North Korea and its estrangement policy. One such misconception was the idea that the Clinton administration negotiated a deal with a state in breach of its international responsibilities; this "rogue" state, critics claimed, should be punished, rather than rewarded, for its misbehavior. The agreement's supporters answered this claim by indicating that North Korea's activities prior to resolution did not necessarily constitute violations of its international commitments.

Secretary of Defense William Perry and Robert L. Gallucci both addressed this issue in testimony at Senate committee hearings held a few months after the United States reached agreement with the North Korean government. Their arguments directed attention to the fact that the nuclear activities of North Korea over which the United States had sought to punish

the state were all permissible under the NPT. Perry instructed as follows:

The North Koreans could have continued operating their 5 megawatt reactor; they could have continued to build their 50 megawatt and 200 megawatt reactor. They could have continued processing the spent fuel and getting plutonium, all of that within the NPT and under full inspection.⁶

Indeed, Article IV (3) of the NPT permits its signatories to “further development of the applications of nuclear energy for peaceful purposes . . .”⁷ If fault was to be levied, it was not in North Korea's nuclear program, but in verification complications, the lack of assurances that the program was being developed solely for peaceful purposes. Planned surgical strikes on the facility by the U.S. in 1994, on the other hand, would have violated the terms of the NPT had they been carried out.

North Korea might be faulted for raising suspicions by failing to open fully its facilities for inspections and by threatening to withdraw from the NPT.⁸ Its doing so, however, would not necessarily have constituted a violation of this treaty. Article X (1) gives NPT signatories withdrawal rights if the state can demonstrate that “extraordinary events, related to the subject matter of [the NPT] . . . jeopardized the supreme interests of its country.” North Korea's actions, however, only intensified suspicions that it possessed nuclear weapons. Rather than simply target this issue from the perspective of the North Korean threat, U.S. commentary on North Korean behavior should have also focused on the two activities that directly influenced the North Korean decision to withdraw — the intrusive IAEA inspections and the United States-South Korea Team Spirit military exercises. It could also have considered how the prevailing atmosphere encouraged the North Korean government to first seek nuclear weapons — the very real threat of U.S. nuclear missiles trained on the country over most of the past half-century.

A related criticism depicted the terms of the Agreed Framework as the United States rewarding North Korea for its misbehavior. The United States offered North Korea heavy fuel oil as a replacement energy source; it would later be joined by its Northeast Asian allies to provide the state with two LWRs at a cost of more than \$4 billion. Senator Craig Thomas argued that the agreement provided the “child that does not behave [with] the biggest presents” rather than saving these rewards for distribution following behavioral change.⁹ The present Bush administration substantiated its rationale for refusing to negotiate with North Korea primarily by this interpretation, adding that the reactors were not suitable for the North Korean energy grid.

Supporters of the Agreed Framework answered this claim by questioning the critics' use of the word “reward.” Rather, Robert Gallucci suggested that “replacement” better described KEDO's obligation.

[T]he large item that is properly focused upon by analysts of this agreement, namely the \$4 billion light water reactor project, is not a reward for compliance with their NPT or safeguards obligations. It is in replacement of a gas graphite technology, a whole reactor system that would have produced hundreds of kilograms of separated plutonium which the North Koreans are not obligated to give up under their NPT or safeguards obligations.¹⁰

The accusation that the United States was doling out rewards to the North Koreans in exchange for behavior change continued to haunt the Clinton administration's dealings with North Korea, and resurfaced after a 1999 agreement placed a moratorium on the state's long-range missile testing. Its harshest critics viewed even the act of negotiation itself as a reward being offered by the U.S. to an undeserving North Korean regime.

The Agreed Framework's lack of clear and immediate verification mechanisms further irked its critics. This oversight severely limited the

United States' capability to verify critical aspects of North Korea's nuclear program, including its past history and its present state, until a later date. It also neglected to provide a means by which the United States could verify that North Korea was not diverting its heavy oil for military purposes. Why, asked Senator Frank Murkowski, should, the United States suddenly trust "a country with whom [it has] had no history of good faith relations?"¹¹

Nuclear waste site inspections provide a case in point. These sites held important information regarding North Korea's nuclear history. North Korea, realizing their value, consistently denied inspectors access to them, and (according to IAEA officials) had gone so far as to build over the sites to conceal them.¹² The Agreed Framework, however, prohibited the IAEA from gaining immediate access to the sites as well as to suspected nuclear-related areas other than Yongbyon and Taechon, until the LWRs were ready for delivery.

Defenders of the Agreed Framework contended that the agreement did contain verification mechanisms; they simply were not immediate enough to satisfy its critics. Secretary of State Warren Christopher explained that more stringent verification would be required as the process advanced toward the more critical stages that transferred nuclear technology to the North Koreans.¹³ This is a point that both William Perry and Robert Gallucci emphasized in their Senate committee testimonies, as well. Gallucci also cautioned against expecting what he called the "abstract notion of perfect verification." Finalizing an agreement with limited verification, he argued, was preferable to sacrificing the agreement for lack of perfect verification.¹⁴ This delay in radioactive waste site inspection was also permissible: not only were the waste sites "not going anywhere," the "agreement [stipulated] that, before [the North Koreans got] anything of significance, they have to come clean" on them anyway.¹⁵

A more immediate concern regarding verification was the heavy fuel oil that KEDO provided the North Koreans. To what extent, critics

questioned, could the United States verify that the North Koreans were not diverting this fuel for military purposes? In December 1994 Gallucci offered that the North Koreans did not possess the capacity to convert this oil to a more versatile fuel source.¹⁶ Department of State official Wendy Sherman verified this claim in a March 2000 hearing. After admitting that complete verification was not possible, she reiterated Gallucci's statement that the United States had agreed to this particular fuel source because it was "harder to convert . . . to other forms of fuel."¹⁷ Her explanation corroborated with the conclusions reached by the General Accounting Office (GAO) in an investigation report that concluded there to be "no clear evidence of any significant diversion to unauthorized purposes of the 500,000 metric cubic tons of heavy fuel [that the U.S.] delivered annually to North Korea."¹⁸

Several concerns were also raised over the LWRs themselves, specifically over their cost and appropriateness. The Agreed Framework set a "target date" of 2003 for their delivery. It did not stipulate who would pay for the reactors, but simply that the United States "will organize . . . an international consortium to finance and supply the LWR project . . ."¹⁹ The text's vagueness left unclear the source of the funding. Some interpreted the direct communiqué sent by Clinton to Kim Jong Il as the president committing the United States to this responsibility should KEDO fail to deliver. This encouraged the incorrect conclusion that the United States was responsible for the \$4 billion project, promoting the claim that North Korean "concessions [came] at a very stiff price."²⁰ In reality, the United States financial contribution was small when compared to the burden to be carried by South Korea (\$3 billion) and Japan (\$1 billion); its costs were limited to those accrued for providing the heavy fuel oil. One neglected point is that the ultimate funding of the LWRs lay in the hands of the North Korean people in the form of a twenty-year interest free loan to be repaid upon completion of each of the two reactors; the reactors were not intended to be

a KEDO gift to North Korea.²¹ This cost was cheap, particularly when compared to the billions of dollars that the U.S. invested to demilitarize Iraq.

LWR technology was frequently targeted for criticism based on the belief that the LWR was capable of producing an even greater amount of plutonium than the graphite reactor. California representative Christopher Cox articulated this concern as follows:

... these light-water reactors will produce weapons-grade nuclear material and, in fact, according to the Stockholm International Peace Research Institute, North Korea's light-water reactors, when they come on line, will accumulate plutonium and spent fuel at the rate of about 490 kilograms per year. That translates to about 100 bombs per year. Prior to the 1994 Agreed Framework, the most that people were expecting North Korea could produce from the other reactor was about 12 bombs per year. So we are actually putting North Korea in a position to accumulate more nuclear weapons material.²²

The concern that the LWRs would enhance, rather than contain, North Korea's nuclear weapons program motivated the Bush administration officials in May 2001 to contemplate offering it coal-generated plants as a replacement.²³

This misconception has survived a number of attempts to refute its validity, including one presented by a contributor to the research that Cox cited, David Albright. The representative from California, Albright claimed, had not used "all of the information in the chapter" that he cited. What he missed explains why the LWR was a viable alternative to North Korean graphite reactors: 1) the plant needed to reprocess spent radioactive fuel would require an extensive and difficult modification to existing reprocessing plants, and to build one in secret would be difficult given its size; 2) LWR plutonium is reactor-grade rather than weapon-grade; and 3) LWR technology provided ways to reduce the quantity of plutonium that it

discharged (such as by insisting that North Korea “irradiate its fuel”) that complicates its use in nuclear weapon production. For these reasons, the LWR was the more appropriate technology.²⁴

This explanation supported Robert Gallucci's earlier testimony at the December 1994 Senate Committee hearing. At this time the ambassador instructed as follows:

[L]ight water reactors require enriched uranium. “Enrichment” means to increase the content of the fuel in the isotope Uranium 235 to greater than it appears in nature. So that enrichment requires an enrichment facility. This means that anybody who has a light water reactor is dependent upon enriched uranium. North Korea undertakes not to build an enrichment facility. It has no enrichment facility, no enrichment capacity, and no access to that technology.

Gallucci added that the agreement that North Korea signed with South Korea prohibited either state from attaining enrichment facilities; thus “[it] would be dependent upon fuel supply,” a supply that “could be cut off and their reactors . . . shut down” if necessary.²⁵ Gallucci's statement — determined to pacify a hostile opposition — provided the North Korean regime with a justifiable reason for building a uranium enrichment facility: to free itself from foreign dependency.

Finally, critics attacked the Agreed Framework over its failure to address a number of concerns unrelated to North Korea's nuclear programs. Frank Murkowski directed attention to the example of U.S. normalization negotiations with Vietnam that developed only after the state had demonstrated its willingness to incorporate free-market oriented economy and to help the United States search for MIAs from the Vietnam War. Why, the senator questioned, does the agreement consider normalization with North Korea before it demonstrated a similar cooperative attitude?²⁶ Later, critics listed the North Korean abysmal human rights record, its alleged

participation in drug and counterfeiting operations, and its missile program as issues that the negotiators failed to address before finalizing this agreement. In 1999, following the North Korean missile launch over Japan, a number of reports repeated these deficiencies in urging the Clinton administration to negotiate an agreement with greater breadth.²⁷

Much of this criticism stemmed from the containment thinking that has dominated U.S. policy toward North Korea (and other “rogue” states) for so long. A regime in breach of its international obligations did not deserve the privilege of negotiations with the United States. In addition, the belief that this regime was soon to collapse encouraged the idea that U.S. assistance only delayed the inevitable, a belief that also dulled United States enthusiasm to fulfill its obligations. Congressional opposition to the process, materializing in legislation against engagement, also inhibited U.S. advancement of its responsibilities.²⁸ The Republican Party gaining control over both Congressional chambers in the 1994 mid-term elections further dampened the ambitions of an administration now less able to squander precious political capital over this issue. North Korean belligerent rhetoric and intrusive actions provoked further disdain toward the state and the agreement. Complications that arose strengthened the belief held by North Korea's hawkish elements that the U.S. did not seriously intend to engage their country in diplomacy.²⁹

Nowhere in this debate did any of the participants consider these issues from the North Korean perspective. United States concerns over North Korea's weapons programs neglected to understand that the nuclear threat posed by U.S. weapons systems had provoked the regime's nuclear ambitions in the first place. William Perry came closest to seeing the issue from both sides when in 1994 testimony before a Senate committee he cited as a limitation his inability to sit at both sides of the negotiating table, suggesting that North Korean concerns also deserved attention. He echoed this sentiment in his 1999 Perry Report where he warned that the United

States must accept the North Korean regime for what it is, rather than for what we wish it to be. These statements represent exceptional (albeit cautious) attempts to view U.S.-Korea issues from a bidirectional perspective, rather than simply from a southern perspective.

North Korea and the Agreed Framework

We may never know the accuracy of CIA estimates that the North Koreans had already produced one or two nuclear weapons. The Agreed Framework allowed the North Koreans to hide this information until the key components of the LWRs were ready for delivery. The present impasse in U.S.-North Korea relations has further impeded our ability to understand the extent that North Korea's nuclear program had developed by 1994. Political figures and the media manipulated the unsubstantiated CIA estimate—it is but a worst-case scenario—into hard fact, by describing North Korea as a state in possession of nuclear weapons. This belief renewed calls for preemptive strikes on the Yongbyon facility that the North Koreans restarted in early 2003. North Korea's advantage up to now, of course, has been their possession—or the belief of their possession—rather than their potential use or sale. To date North Korea has yet to conduct a nuclear test, nor has it secured a reliable delivery system. Their capability to accurately deliver these weapons (should they feel the need to use them) is also questionable.³⁰

We also may never know the degree that the North Korean bureaucracy supported the Agreed Framework. We, of course, are not privy to the inter-governmental debates that no doubt took place during the agreement's negotiations, as well as over its eight-year history. We do have insight on two points: 1) that, as in the United States, there was opposition to U.S.-North Korea engagement, and 2) that the failure of the United States to carry out many of the agreement's provisions alienated North Korean

supporters of engagement. That North Korea continues to push for negotiations with the United States to end this impasse demonstrates its belief that this option remains the most viable, and perhaps only, means of resolving their economic troubles.

North Korean opposition to engagement with the United States stems from the distrusting relationship that developed from the time of North Korea's inception, one cemented by the heated war that the U.S. fought in 1950-53, and nurtured by the cold war environment that plagues the Korean Peninsula to this day. Both sides violated the Armistice that they signed in 1953, one of the more serious cases of breach being the United States introduction of nuclear weapons to South Korea in 1958. North Korean violations included incidents that infringed on the sovereignty of its southern neighbor such as incursions across the DMZ. Over these years it exploited the wartime atmosphere, as well as the "occupation" of the South by the United States military, to justify these violations. Its efforts to develop a nuclear program is a direct counter to the United States introduction of these weapons to the Korean Peninsula almost a half-century ago.³¹ More recently North Korea learned the value of maintaining a strong military at its border; its potential to wreck havoc on the South spared the state from aerial attack in June 1994.

North Korean infringes on the South that have inhibited the Agreed Framework process, while not to be condoned, should be viewed against this backdrop. In addition to the statement of national sovereignty that they carry — North Korea, too, can develop nuclear capabilities and test missiles if it so desires — these incidents both disrupted and reenergized the engagement process. For example, its 1998 three-stage missile test immediately halted Japan's funding to KEDO, but later encouraged the United States to review its relations with North Korea. This review consequently regenerated U.S. interest in negotiating issues of concern that led to agreement that froze North Korea's missile tests. On the other hand,

the present impasse has been prolonged by the North Korean regime's attempts to overplay this hand, and with a U.S. administration that refuses to engage the North Koreans as its predecessor did. Thus, while reaping short-term attention, North Korea's more belligerent actions have substantiated contentions that the North Korean government could not be trusted, and that its leader was psychologically unstable.

Displays of belligerence defined the North-South Korea relationship over the past half-century; reaching agreement with the United States was not about to cause them to suddenly disappear. North Korean negotiators, believing it inappropriate for the United States to attempt to influence this relationship, resisted efforts by the U.S. to include conditions that required North Korea to "engage in North-South dialogue."³² Negotiations on the LWR supply contract were slowed by North Korean objections over having to accept the "inferior" South Korean model. Critics in Washington coldly interpreted this uncooperative attitude as a clear sign of North Korean unwillingness to engage in the letter and spirit of the Agreed Framework. This opinion stimulated one of the agreement's more active critics, Frank Murkowski, to pursue a resolution that tied North-South engagement to United States support for KEDO.³³

North Korea perhaps had good reason to move cautiously in its relations with South Korea as a number of factors worked against advancing inter-Korean relations in 1994. The South Korean government, for one, sent mixed messages as to how it viewed United States engagement with its rival to the north. At first, South Korean president Kim Young Sam praised the agreement as a "turning point . . . for South and North Korea to seek reconciliation and cooperation," predicating that South Korea would soon resume 1993 plans to tap the North's low-cost labor supply by relocating some of its factories across the DMZ.³⁴ Chief negotiator Robert Gallucci reported at a Senate hearing that his team had kept this government informed of the negotiation developments and had secured

assurance that South Korea would “play a central role in financing and building the [light-water] reactors,”³⁵ even though it had excluded this ally from the negotiations.

On other occasions President Kim's words and actions contradicted this positive attitude. His cold reaction to Kim Il Sung's death in 1994 indicated to North Koreans that little had changed regarding the South's sentiment toward their country. Minutes following its announcement the South Korean leader placed his military at maximum alert. Kim also refused to extend condolences and used the National Security Law (sometimes called the anti-communist law) to arrest anyone who attempted to honor the North Korean leader. His response was particularly distressing considering that the two leaders had arranged to hold a summit, and that (it was rumored) Kim's heart attack was induced by stress endured while overseeing the preparations for this historic meeting.³⁶ Kim Young Sam's remarks during the final stages of the Agreed Framework's negotiations mirrored this negative attitude. In an early October interview with the *New York Times* the South Korean leader accused the North Koreans of deceiving U.S. negotiators. He also predicted that while the state's collapse was imminent, “compromises might prolong the life of the North Korean Government and would send the wrong message to its leaders.”³⁷

Kim Il Sung's sudden death also complicated his son's capacity to promote North-South rapprochement. Even though he had been groomed since the early 1980s to be his father's successor, it took three years, until the end of the mourning period, for Kim Jong Il to assume the elder Kim's political positions. The effect that this period had on North-South rapprochement concerned power status rather than power shifts in the North Korean government: Kim Jong Il would not meet his South Korean rival until after he could confer with him as a political equal. By June 2000 the political situation in the North had stabilized as Kim assumed the ranks held by his father — save for the title of “president” which the senior Kim

carried with him to his grave. In the South, Kim Dae Jung's election brought to the Blue House a leader armed with a political platform that encouraged engagement with North Korea. The presence of this political stability on both sides of the DMZ contributed to the significant developments that followed the North-South summit, including increased trade, investment, and contacts across one of the world's most fortified borders.

Up through 2000, North Korea frequently questioned United States willingness to fulfill its side of the deal. Specifically, the North Korean government pointed to delays in the heavy oil deliveries, as well as inaction in progress toward the more permanent fixtures of the agreement such as lowering trade embargos, assuring North Korea against nuclear attack, and engaging it in normalization talks, as areas in which it expected greater cooperation. It soon became clear that the LWRs would not arrive by 2003; this delay prompted North Korea to demand compensation for resulting economic losses. The regime also attached conditions (most often in the form of food aid) to negotiations over United States "areas of interest," such as inspections of suspected nuclear sites, missile tests, and MIA searches.³⁸

Delays in LWR preparations were attributable to the actions of both sides: the United States by its anticipation of North Korean collapse, and North Korea by its opposition to South Korean participation along with its belligerent acts (such as the submarine landings and naval confrontations off the South Korean coast, and the missile launching over Japanese territory). These actions also delayed heavy fuel oil deliveries, attributable in part to funding difficulties generated by Congressional opposition to the agreement. These delays directly taxed North Korea's fragile economy and played into the hands of North Koreans skeptical of engagement with the United States. Foreign Minister Kim Yong Nam complained in May 1998 that the United States government

takes us for granted because [it thinks] we are weak. We are losing patience. Our generals and atomic industry leaders insist that we must resume our nuclear program and develop appropriate military capabilities. If [the United States does] not act in good faith, there will be consequences.

This test of “good faith” required the United States to demonstrate that it was “serious about normalization;”³⁹ its failure to do so provoked “consequences” that included North Korea’s return to the position it held just prior to finalizing the agreement: it restarted its Yongbyon reactor, it reprocessed plutonium, and it withdrew from the NPT after expelling all IAEA inspectors. While the U.S. government emphasized the Agreed Framework as a nuclear agreement, the North Korean government envisioned engagement with the United States as a long-term process that eventually would provide their country with the resources and contacts it needed to repair its battered economy. The U.S. embargo, for example, prohibits North Korea from developing critical contacts with not only U.S. companies but with those in other countries, as well. Maintaining hostile relations with the U.S. also frustrates the state’s efforts to gain membership in economic organizations such as the World Bank, the Asian Development Bank, and the International Monetary Fund. North Korean security, as well, would only strengthen with normalization as this agreement would require the U.S. and North Korea to negotiate a peace treaty that formally ended the Korean War. The Clinton administration made little progress in these more permanent areas; the hostile attitude displayed by the incoming Bush regime complicated further the possibility of these goals being reached.

The Bush administration’s estrangement policy has confirmed claims by North Korean hardliners that the U.S. had no intention of fulfilling its promises. Its unwillingness even to maintain a dialogue worries North Korean officials that the U.S. intends to attack North Korea in the near future; its preemptive strike upon Iraq only strengthened this conviction.⁴⁰ With Clinton there remained hope that eventually progress would be made;

this hope vanished soon after Bush announced the direction of his North Korean policy. Rather than continue a policy that developed a road map to success, the new president redirected efforts toward the confrontational approach that pushed the two sides to the brink of war in early 1994.

The Bush Administration and the End of the Agreed Framework

The United States and North Korea declared an end to their participation in the Agreed Framework process in late 2002. The reasons for these defections are confusing, as are the circumstances surrounding their announcement. The United States reported that the North Koreans, after admitting to developing a uranium enrichment program, claimed that they considered the agreement to be “null and void.”⁴¹ North Korea, on the other hand, maintains that the United States voided the agreement when it suspended heavy fuel oil shipments to North Korea later that year, and thus reneged on the only condition that it had continued to uphold. This account, though, is hardly persuasive as it fails to satisfy a number of critical concerns.

One important concern regards the North Korean alleged confession to having a uranium enrichment program. Since this meeting its representatives have denied this allegation. Rather, they confirm that their representative at the meeting—Kang Suk Ju (who negotiated the Agreed Framework)—declared that North Korea has a *right* to develop these weapons and ones more powerful. The United States has provided little proof of North Korea's alleged admission other than one interpretation of the heated discussion that its representative, James Kelly, had with Kang in P'yŏngyang in early October 2002. Given the Bush administration's track record on assessing accurately the weapons programs of other “rogue” states, we must also question its accuracy here, as well.

The United States' timing in making this accusation also raises concern. One of the first mentions of the North Korean enriched uranium program appeared in 1999 in a report filed by Benjamin Gilman, a Republican representative from New York.⁴² Around this time Congress submitted to President Clinton a list of North Korean actions that required his certification before it would approve U.S. cooperation in fulfilling its responsibilities. Among the items listed was demonstration that North Korea did not have a uranium enrichment facility.⁴³ If suspicions existed this early, why did the Bush administration choose October 2002 to confront the North Korean government?

Members of this administration claim that new information obtained just before this meeting forced their decision. We are not privy to the origins of this information. A possible source was Pakistan whose officials recently admitted that they had been selling Libya, North Korea, and Iran equipment for uranium enrichment. North Korean purchase of equipment (probably centrifuges) that this process requires would indicate their interest in developing this technology; it does not demonstrate the existence of a uranium enrichment facility. The vast gap between interest and existence — successful completion of this process is extremely difficult and requires a great deal of energy — also draws our concern.⁴⁴

A final concern considers the reasons behind North Korea's interest in enriched uranium. If the North Korean government chose to violate the agreement why did they target a new program, rather than simply restart their frozen reactors as they have now done? Robert Gallucci's 1994 testimony provides us with a possible answer. Here he explained one advantage of providing LWRs as it made North Korea "dependent upon fuel supply," unless it could produce its own enriched uranium. Its attempt to do so has been cited as a violation of the Agreed Framework as it demonstrated North Korea not acting in the spirit of its 1991 agreement with South Korea, which prohibits this activity. On the other hand, an

oversight of the Agreed Framework was that it failed to determine the supplier of this critical energy source. A major frustration that North Korea has felt throughout its history has been securing a reliable energy and food supply. Any effort that it may have made to secure a steady supply of enriched uranium to fuel the LWRs has to be understood in this context.

If, indeed, North Korea was actively engaged in developing this technology the United States is justified in bringing its concern to North Korea's attention. It does not, however, justify the Bush administration using the violation to terminate U.S. participation in the Agreed Framework process, especially when uranium enrichment was not a specific concern of this agreement, but one included indirectly, by a condition that North Korea "take steps" toward the denuclearization of the Korean Peninsula. The Bush administration might also have considered the U.S. record in fulfilling its terms of the agreement before accusing North Korea of breach. Had the administration the will to negotiate, the enriched uranium issue appears to be one that could have been resolved to the satisfaction of both sides.

The crux of the problem is that members of the present administration never fancied engagement when it was Clinton's policy; they were not about to adopt it now that they held the reigns of power. The one engagement proposal that the Bush administration put forth attached conditions so harsh that the president himself acknowledged their chance of acceptance to be "low."⁴⁵ His administration's premature demand that North Korea permit full IAEA inspections in June 2001 appeased those who had criticized the agreement's limitations on these inspections to the Yongbyon and Taechon facilities. The Bush administration later used North Korea's refusal to cooperate as reason not to certify its compliance.⁴⁶ The president's inclusion of North Korea in his "axis of evil," and his listing the country as a potential target for preemptive nuclear attack, removed one of the more important carrots in the agreement: the U.S. pledge to assure the state against nuclear threat or attack. The administration's most recent

demand requires that North Korea end all of its nuclear programs — peaceful or military — before it will negotiate its concerns, thus raising the stakes to a level that no responsible government — friend or foe — could even consider accepting. Still, the North Korean government has tried to negotiate this demand as a goal to be attained in incremental steps — from freeze to dismantlement — with advancement conditioned on U.S. recognition of North Korea's economic and security needs.

The Agreed Framework helped create an atmosphere that encouraged North Korean cooperation in three important ways. First, it engaged North Koreans under relatively equal terms, as demonstrated by its final terms: both sides compromised their positions to reach agreement. Second, the agreement addressed the needs of both parties: the U.S. negotiated a deal that would eventually bring the North Korean nuclear program under verified control; North Korea gained terms that would provide for its energy and security needs. Finally, the Agreed Framework provided the foundation of trust that the two states needed to address other issues, such as North Korea's long-range missile program. The Bush administration's insistence on North Korean capitulation before negotiations goes against the logic that produced these gains: it addresses only U.S. concerns without considering those of North Korea. North Korean cooperation will emerge only when the United States again adopts the amicable attitude of reciprocity demonstrated in the Agreed Framework, one that recognizes the necessity of addressing the concerns of both negotiating partners rather than simply attempt to bully the state into submission.

Notes

- ¹ William J. Clinton, *Public Papers of the Presidents of the United States: 2000-2001, Book III* (Washington: United States Printing Office, 2002), 2807.
- ² To my knowledge the “confidential minute” has not been made public. David Albright and Holly Higgins write that this document clarified several points made in the Agreed Framework including information on the heavy fuel oil deliveries and explanation on North Korea’s coming into full compliance with IAEA regulations. See their “Looking Back,” in David Albright and Kevin O’Neill, eds., *Solving the North Korean Puzzle* (Washington, D.C.: The Institute for Science and International Security, 2000), 27-28.
- ³ Leon Sigal, *Disarming Strangers: Nuclear Diplomacy with North Korea* (Princeton: Princeton University Press, 1998), 262-264.
- ⁴ See Robert Gallucci’s testimony in “U.S. Policy Toward North Korea: Where do We go from Here?,” Hearing, Committee on Foreign Relations, Senate, May 23, 2001.
- ⁵ See “Implications of the U.S.-North Korean Nuclear Agreement,” Hearing, Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations, Senate, December 1, 1994, p. 20. The Agreed Framework did not specify the source of the funding for the LWRs. In a separate letter, President Clinton offered the North Koreans assurances that he “will use the full powers of my office to facilitate arrangements for the financing and construction of a light-water nuclear power reactor project within the D.P.R.K.” A copy of this letter is included in Leon Sigal, *Disarming Strangers*, p. 264.
- ⁶ “North Korean Nuclear Agreement,” Committee on Foreign Relations, Senate, January 24, 1995, p. 41.
- ⁷ “The Treaty on the Non-Proliferation of Nuclear Weapons” is quoted from the version found at <http://www.unog.ch/disarm/distreat/npt.pdf>
- ⁸ See David Albright, “Inconsistencies in North Korea’s Declaration to the IAEA,” in David Albright and Kevin O’Neill, eds., *Solving the North Korean Puzzle*.
- ⁹ “North Korea Nuclear Agreement,” pp. 40-41.
- ¹⁰ “Implications of the U.S.-North Korean Nuclear Agreement,” p. 19.
- ¹¹ *Ibid.*, 7.
- ¹² In 1993 IAEA officials suspected that the North Koreans had filled in the first floor of a building with dirt to conceal nuclear waste sites. See David Albright and Corey Hinderstein, “Evidence of Camouflaging of Suspect Nuclear Waste Sites,” in David Albright and Kevin O’Neill, eds., *Solving the North Korean Nuclear Puzzle*, pp. 104-105.
- ¹³ “Implications of the U.S.-North Korean Nuclear Agreement,” p. 45.
- ¹⁴ “U.S. Policy Toward North Korea,” p. 26.

15. "Implications of the U.S.-North Korean Nuclear Agreement," p. 30.
16. Ibid., 40. Don Oberdorfer writes that the North Koreans requested heavy oil and that U.S. negotiators were "delighted" when they did as the fuel source was a "little-used sledge-like commodity that is left over from the refining of petroleum." East Germans had provided this oil to North Korea in the past to fuel an electricity plant near the northern border. See his *The Two Koreas: A Contemporary History* (New York: Basic Books, 2001), 352.
17. "North Korea: Leveraging Uncertainty," Hearing, Committee on International Relations, House of Representatives (March 16, 2000), 16.
18. See "Nuclear Nonproliferation-the Status of Heavy Fuel Oil Delivered to North Korea Under the Agreed Framework," GAO/RCED-99-276, September 30, 1999. This report, requested by Chairman of the Committee on International Relations, House of Representatives, Benjamin Gilman, admitted deficiencies in KEDO's monitoring instruments, a point that some have used to demonstrate U.S. limitations in verifying North Korean use of the heavy fuel oil.
19. Article I (1) of the Agreed Framework.
20. Charles S. Robb made these arguments in his opening remarks at a Senate committee hearing. See "Implications of the U.S.-North Korea Nuclear Agreement," p. 2.
21. "N. Korea, U.S. Sign Nuclear Reactors Pact," *United Press International* (December 15, 1995). This is assuming that the North Korean economy recovered to allow it to repay this debt.
22. Christopher Cox quoted from remarks made in "U.S. Policy Toward North Korea 1: Perry Review," Hearing, Committee on International Relations, House of Representatives, One Hundred Sixth Congress (October 13, 1999), p. 21. Cox basically repeated a claim made in a 1995 hearing by Craig Thomas, who quoted from a December 1994 hearing. See "North Korean Nuclear Agreement," p. 39.
23. "S. Korea Opposes Nuclear Accord Revision," *United Press International* (May 23, 2001).
24. David Albright and Holly Higgins, "Light Water Reactors and Nuclear Weapons in North Korea: Let's be Fair with our Comparisons," October 27, 1999. To be found on the Institute for Science and International Security homepage at http://www.isis-online.org/publications/dprk/final_cox.html. Peter Hayes noted that these reactors "reduce the opportunities for diversion" of the plutonium to weapon-grade levels in his "Supply of Light-Water Reactors to the DPRK," in Young Wham Kihl and Peter Hayes, eds., *Peace and Security in Northeast Asia: The Nuclear Issue and the Korean Peninsula* (Armonk, NY: M.E. Sharpe, 1997). Robert L. Gallucci responded to this claim in his December 1994 testimony before the Senate. (See "Implications of the U.S.-North Korea Nuclear Agreement," p. 35.)
25. "Implications of the U.S.-North Korean Nuclear Agreement," pp. 35-36.
26. "Implications of the U.S.-North Korean Nuclear Agreement," p. 8.
27. Among these were the "Perry Report" compiled by former Secretary of Defense William Perry and the "Comprehensive Approach to North Korea" penned by Richard L. Armitage and others.

²⁸ For example, Congress quickly blocked the Clinton administration's efforts to relax trade embargos by threatening to block funding for KEDO. From 1995, this body enacted legislation that required demonstration of North Korean cooperation (such as in MIA efforts, nuclear waste site inspection, ballistic missile exports, and North-South dialogue), and later presidential confirmation of DPRK compliance, to U.S. participation in the KEDO project. This legislation culminated in the "Gilman-Markey North Korean Oversight Bill" passed in May 2000.

²⁹ Selig S. Harrison who has had a number of direct contacts with North Korean government officials often makes this point. See, for example, his *Korea Endgame: A Strategy for Reunification and U.S. Disengagement* (Princeton, NJ: Princeton University Press, 2002).

³⁰ The recent report issued by United States officials that the DPRK admitted having nuclear weapons is suspect. Historically, such important announcements were not made by officials of Li Gun's status but by Kim Jong Il himself. The misinformation provided by James Kelly after his October 2002 meeting in P'yongyang also adds suspicion to his report on his most recent meeting.

³¹ See Bruce Cumings, *Parallax Visions: Making Sense of American-East Asian Relations at the End of the Century* (Durham, NC: Duke University Press, 1999), 127-135 for a summary of the United States nuclear threat to North Korea. The United States introduction of these weapons to South Korea remains one of the major violations of the 1953 Armistice. Soon after the Gulf War the first Bush administration announced that the United States was removing its tactical nuclear weapons from South Korean soil. However, the DPRK has not been permitted confirmation privileges and the United States maintains its policy of refusing to reveal whether the weapons have indeed been removed.

³² See Don Oberdorfer, *The Two Koreas*, p. 356.

³³ The resolution that passed in March 1995 demanded the following: the holding of a North-South summit, North-South inspections of nuclear facilities, the opening of liaison offices in Seoul and P'yongyang, and agreements in terms of free exchanges in trade and travel, as well as in academic and communication areas. See "Korea Dialogue Resolution Passes," *Congressional Press Releases* (March 22, 1995).

³⁴ "South Korea Says it will Soon Allow Business Travel to North," *New York Times* (October 19, 1994).

³⁵ "Implications of the U.S.-North Korean Agreement," p. 33.

³⁶ The North-South summit, one of the consequences that emerged from Jimmy Carter's June visit, had been scheduled to take place in the North Korean capital on July 25, 1994. Kim died on July 7, 1994. See Don Oberdorfer, *The Two Koreas*, pp. 338-339 for details on Kim Il Sung's role in the summit's preparations and his death.

³⁷ "South Korean President Lashes Out at U.S.," *New York Times* (October 8, 1994). See also Don Oberdorfer, *The Two Koreas*, p. 354.

³⁸ See "Conclusion of Non-aggression Treaty Between DPRK and U.S. Called For," *Korea Central News Agency* (October 25, 2002) for one of the better arguments regarding North Korean views on United States' non-compliance to the Agreed Framework's provisions.

³⁹ Kim Yong Nam quoted in Selig S. Harrison, *Korea Endgame*, p. 227.

⁴⁰ North Korean Ambassador to the United Nations, Song Ryol Han, commented that the lack of dialogue by the Bush administration is most threatening to the DPRK. As long as the United States is negotiating with us, North Korea feels that it will not attack us. He made these comments at a symposium titled "Resolving the Korean Crisis: Voices of the Region" held in Cambridge, MA on April 10, 2003.

⁴¹ Uranium enrichment was not specifically mentioned in the Agreed Framework. Article III (2), however, requires North Korea to "take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula," an agreement that specifically prohibits either side from possessing uranium enrichment processing facilities.

⁴² The "North Korea Advisory Group Report to the Speaker of the House of Representatives" can be found at http://www.house.gov/international_relations/nkag/report.htm

⁴³ David Albright and Holly Higgins, "The Agreed Framework: Status Report," in David Albright and Kevin O'Neill, eds., *Solving the North Korean Nuclear Puzzle*, p. 51.

⁴⁴ The Bush administration apparently erred on this point in its assessment of Libya's enriched uranium program as detailed in "U.S. Wrong on Libya, Group Says," *International Herald Tribune*, March 26, 2004.

⁴⁵ "US Toughens Terms for Talks with North Korea," *New York Times* (July 3, 2001).

⁴⁶ "Hyde Praises Bush Administration Decision to Deny North Korea Nuclear Certification," *U.S. Newswire* (March 20, 2002).