

Treat North Korea as a nuclear proliferator

By Henry Sokolski

The debate: Sokolski

Although it didn't get much notice, the very week the U.S. and the European Union offered to help Tehran build more light water reactors in exchange for suspending enrichment of uranium, the Korean Peninsula Energy Development Organization (KEDO) terminated construction of two light water reactors for North Korea.

THE NEXUS between Washington's policies toward North Korea's nuclear program and Iran's, though, was hardly lost on critics of the Iran deal. They immediately suggested that the Iran offer was no more than an Agreed Framework in Farsi.¹ This characterization was hardly meant as a compliment: Under the 1994 Agreed Framework, the U.S. and its allies spent over a billion dollars constructing two large reactors for North Korea and sent Pyongyang hundreds of millions of dollars in aid, only to discover that the DPRK was secretly trying to make nuclear weapons. This revelation was then followed by years of delusory Six-Party Talks to try to get Pyongyang to give up its nuclear arms.

Yet another connection made between Washington's approaches to North Korea and Iran is the Energy Policy Act of 2005. This law, originally devised to block completion of the two promised reactors for North Korea, prohibits the transfer of any U.S.-origin nuclear technology or hardware to any country the U.S. Secretary of State has identified as a state sponsor of terrorism. With the possible exception of Russian nuclear reactor transfers, which contain no U.S.-origin technology, nearly all other conceivable nuclear reactor sales to Iran would be caught up in this restriction, unless, of course, the Secretary of State decided to take Iran off the terrorist list.²

For the moment, the connections between U.S. policies regarding North Korea's nuclear activities and those of Iran end here. This does not mean, however, that U.S.-allied approaches toward Iran and North Korea could not be made more congruent. Indeed, given that the U.S. has already tried unsuccessfully to induce North Korea to behave with positive incentives, it remains to be seen what might be accomplished by taking a new direction and effectively stigmatizing both Pyongyang and Tehran as nuclear violators.

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1 Jay Solomon, "U.S. Approach to Iran has a Familiar Ring," *The Wall Street Journal*, June 13, 2006

2 See Congressman Edward J. Markey, "Letter to the President," May 16, 2006, http://www.Markey.house.gov/index.php?option=com_content&view=ask&id=157&Itemid=56

3 On these points see Esther Pan, "David Kang Comments on South Korea's Role in a Dangerous Neighborhood," *The New York Times*, February 11, 2006

Although taking such a course would cut across the grain of current U.S. and allied policy making, there is a substantial argument for this approach. In both Iran and North Korea, the near-term prospect of either government giving up its dangerous nuclear activities is remote. Only a change in governments might bring true nuclear restraint, but the near-term likelihood of that happening is also quite low. Courting Tehran or Pyongyang, meanwhile, will do little to discourage proliferation and even less to undermine either government. Properly penalizing these regimes for their nuclear misbehavior, on the other hand, is not only more likely to stem further proliferation, it could, if done properly, hasten a positive change in each nation's regime.

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The first premise of this argument – that the prospects of North Korea or Iran giving up their nuclear programs are quite low – is only now beginning to be accepted by policymakers in the U.S., Japan, Russia, China, and South Korea. In the U.S., diplomatic cynicism is the rule, the assumption being that while the U.S. will not make any more concessions until Pyongyang commits to disarm in a verifiable fashion, the likelihood of getting North Korea to open up and disarm is remote. For Washington, the utility of continued Six-Party negotiations is to deemphasize America's lack of alternatives to get Pyongyang to disarm by implicating five other parties. China and Russia support a similar assessment with one big difference: they favor diplomatic deadlock. North Korea, after all, is a problem that ties the

U.S. and Japan down and causes tensions with its other ally, South Korea. If diplomatic deadlock causes the U.S. to have to ask Moscow and Beijing for help, deadlock is a good thing.

In fact, Russia, South Korea and China have all but made it clear that they can live with a nuclear North Korea: They all have made it a matter of policy to prop up and protect the current regime in North Korea against sanctions. Thus, they all opposed U.S. and Japanese-backed sanctions language in the latest United Nations Security Council resolution condemning Pyongyang's latest series of missile tests. China, meanwhile, continues to offer North Korea fuel and food at reduced prices. Trade with Pyongyang has increased to US\$1.5 billion, which makes China

North Korea's largest trading partner. Chinese investment in North Korea, meanwhile, has increased dramatically, from US\$1 million in 2003 to nearly US\$90 million in 2005.

South Korea's Sunshine Policy, though, is a close competitor with China. It now engages in trade with the DPRK worth nearly US\$700 million annually.³ Certainly, earlier hopes, voiced during the Clinton Administration, that the ruling Kim clan in North Korea would lose control is hardly expressed anymore among the Washington elite. Even those opponents of the Kim regime who are working to restrict illicit drug trade, counterfeiting, and other illegal commerce from enriching North Korea are under no illusions that such efforts, which are only choking off tens of millions of dollars annually, can

bring the Pyongyang government to its knees. Much like the case in Tehran, North Korea is in no near-term danger of collapsing.

With that being the case, the prospect of persuading North Korea to give up its nuclear weapons-related activities is slim. The DPRK, after all, derives a good deal of its influence and legitimacy domestically and internationally from being able to claim it has nuclear weapons. Domestically, this claim makes the North Korean government appear not only viable, but powerful enough to tie larger powers in knots. This, in turn, helps sustain Pyongyang's drive to confederate or unify formally with South Korea on terms acceptable to the Kim clan (an objective whose achievement would give the ruling elite even more legitimacy). These terms include no retribution against current rulers for crimes committed against the North Korean people, no effort to change the form of rule in the North, removal of U.S. troops from Korean soil, and agreement to make the South financially support the North in exchange for good relations and cheap labor.

North Korea continues to make progress toward this goal. As already noted, under South Korea's Sunshine Policy, investment in and trade with North Korea have grown dramatically. South Korea has initiated cross-border family visits and is creating a massive industrial complex at Gaesung. Anti-American sentiment and opposition to the continued stationing of U.S. troops in the South is at an all time high and President Roh Moo-hyun is publicly committed to conduct a North – South summit before 2008.

Internationally, the North's nuclear weapons claims have brought it world recognition. From 1993 through 2002, its nuclear program and the U.S. offers made under the Agreed Framework, netted Pyongyang billions of dollars in food, fuel and technology from the U.S., the European Un-

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ion, Japan and South Korea. From 2003 to the present, Pyongyang's nuclear claims have also helped North Korea become an equal player at Six-Party Talks that include the world's most powerful nations. At no time during these talks has any action been taken against it by the United Nations Security Council, which received a report of noncompliance on North Korea from the International Atomic Energy Agency (IAEA) in February of 2003. Nor has any action been taken against North Korea for having withdrawn from the Non-Proliferation Treaty (NPT) without having first rectified its violations.

More important, North Korea's nuclear program and the talks aimed at bringing it to a halt have helped Pyongyang secure an international sounding board to make its own demands:

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4 See, e.g., the history of Iran-North Korea collaboration detailed in the "Iran Profile" on web site of the Nuclear Threat Initiative, http://www.nti.org/e_research/profiles/Iran/Missiles/3367_3395.html

5 Fabio Scarpello, "Muslim Nations Want Nuclear Energy," *Anti-War.Com*, May 18, 2006, <http://www.antiwar.com/ips/scarpello.php?articleid=9005>

- The U.S. should reach a peace treaty with North Korea (thereby eliminating a key reason for Washington to base troops in South Korea).
- The U.S. and other states should supply the North with electricity, a new power grid, and, eventually, modern light water reactors.
- The world also should recognize North Korea's right to develop "peaceful nuclear energy."
- The U.S. should pay the North \$24 million (the amount of North Korean money the U.S. managed to freeze after discovering rampant North Korean counterfeiting).
- U.S. troops should leave South Korea and the Western Pacific.

The list goes on, and although U.S. negotiators claim that they would never give into any of these demands, they have already agreed in principle to eventually consider some of them.

Far worse, North Korea's nuclear behavior and the response from the U.S. and the other nations in the Six-Party Talks are setting a disturbing example: Other nations eager to hedge their security bets with nuclear energy programs of their own are keenly aware of North Korea's misbehavior and how little it has been penalized. South Korea and Egypt, for example, were recently caught having experimented with uranium processing and separating plutonium. Because of the much graver violation of the NPT that North Korea has committed, though, the U.S. and others encouraged the IAEA not to report either nation's nuclear transgression to the U.N. Security Council.

Iranian officials, meanwhile, have long been in close contact with their counterparts in Pyongyang.⁴ It's hardly an accident that Iran repeatedly threatened this year to restrict access allowed to IAEA inspectors and to pull out of the NPT: Pyongyang pulled off both actions and knows from experience how to profit from such moves. Like Pyongyang, Tehran is ben-

efiting from its nuclear program domestically by securing international recognition over the objections of its domestic opponents. Tehran also is gaining recognition among its neighbors as a growing power. While much has been made about how the two cases differ, what's striking is how similar they are.

Of course, it's unclear what will happen in Iran's case, but what the European Union and the U.S. have offered in exchange for Iran merely suspending its nuclear fuel-making activities is at least as impressive as what the U.S. and its allies offered Pyongyang under the Agreed Framework: Light water research and power reactors, a five-year buffer stock of enriched uranium fuel, international investment and increased trade, civilian aircraft industrial cooperation, guaranteed nuclear fuel supplies, security assurances and cooperation, high technology exchanges, and investment to develop Iranian oil and gas fields.

Both Iran and North Korea, of course, insist that they have an inalienable, sovereign right to develop "peaceful nuclear energy." It is a line that has produced results, well beyond their borders. Egypt, Turkey, and Indonesia (all of whom have announced plans to build large reactors) recently joined Iran and the Developing Eight nations and the Nonaligned Movement states in insisting that they, too, should exercise this right. As the NPT is currently interpreted, this right includes the making of nuclear fuel, an activity that can bring states within days or weeks of acquiring nuclear weapons.⁵

This, then, suggests the sum of all our fears – not just a North Korea or Iran with nuclear weapons and the missiles to deliver them, but much of Asia and the Middle East with states that are only days or weeks from acquiring nuclear bombs. In such a world, one might know who one's friends and adversaries are, but be at a loss as to who

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6 Henry Sokolski, "Nuclear 1914: The Next Big Worry," *The New Atlantis* (Spring 2004): 71-76, <http://www.thenewatlantis.com/archive/5/sokolski.htm>

7 The Middle East Media Research Institute, "Iranian Sources Publish Highlights of E.U. Proposal of Incentives to Iran," June 14, 2006, Special Dispatch Series – No. 1185. See also, "Possible Elements of a Revised Proposal to Iran," <http://www.iranfocus.com/uploads/abcnews.pdf>

8 See "Strengthening the Nuclear Non-Proliferation Regime: Working paper submitted by France," Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Nonproliferation of Nuclear Weapons (NPT/conf.2005/PC.III/WP.22), May 4, 2004, <http://www.npec-web.org/Frameset.asp?PageType=Writings>. See also Pierre Goldschmidt "The Nuclear Nonproliferation Regime: Avoiding the Void," paper presented before a workshop of the Nonproliferation Policy Education Center, February 28, 2006, <http://www.npec-web.org/Frameset.asp?PageType=Writings>

could be counted upon as a military ally during a crisis, or how lethal an enemy’s arsenal might be, should war begin. Diplomats and generals would insist they had things under control when, in fact, they did not. In such a world, even relatively minor events – like an assassin’s bullet of the kind that started World War I – could plunge the world into a nuclear exchange.⁶

It is against this nightmare that we should measure the current Six-Party Talks. Success either in denuclearizing North Korea or in setting an example that would deter others from developing nuclear options of their own is unlikely. Some argue that success is only possible if Washington takes up direct talks with Pyongyang. But given the poor results the last time this was tried, in the early 1990s, it is hardly clear this would lead to success.

What has not been seriously attempted – being firm against North Korea’s nuclear misbehavior in a fashion consistent with how we treat Tehran – is an option that deserves greater attention. The opportunity for moving in this direction is hardly theoretical: in defiance of international opinion, North Korea on July 4 brazenly tested long-range missiles and Iran may reject a United Nations Security Council demand that it suspend its enrichment program.

The U.S. and others, moreover, have anticipated taking a tougher course against Iran: buried at the back of the Iran package is a list of possible sanctions, including expropriation of the property of individuals and organizations cooperating with Iran or maintaining a close relationship with it or that are connected to Iran’s nuclear and missile programs; denying visas to high-ranking Iranian representatives and statesmen; and embargoing oil.⁷ In the case of North Korea, more appropriate, tailored sanctions might be considered, such as closing Japanese

These proposed rules include requiring

- a. Countries that the IAEA cannot find to be in full compliance with IAEA safeguards would be banned from receiving nuclear assistance or exports from any other country until the IAEA Board of Governors unanimously gives them a clean bill of health.
- b. Countries that the IAEA has found to be in noncompliance would be forced to accept more intrusive wide-area inspections and be banned from making nuclear fuel for a period of at least a decade.
- c. Countries that withdraw from the NPT without first addressing their previous violations would be held responsible for violations committed while still a party to the Treaty.
- d. Countries that withdraw from the NPT would be required to return or dismantle all nuclear facilities, material, equipment and technologies acquired from any third country before its withdrawal.
- e. Countries that withdraw without first returning the nuclear assets they have acquired from abroad, or that are found in violation of the NPT, would be considered to be a threat to international security, i.e., an international outlaw and therefore subject to international sanctions.⁸

and other Asian ports to ships that lack proper insurance or safety equipment (i.e., to North Korean trading vessels), or by banning any trade in North Korean gold (an activity that is run by the Kim clan through the use of slave labor).

Yet another approach to sanctioning both Iran and North Korea would be country-neutral and can be found in a set of rules proposed by the French government at the NPT Review Conference in May of 2005 and by the IAEA's former Safeguards Division Director, Pierre Goldschmidt (see box at left).

Getting all of these proposed sanctions ideas adopted by the IAEA Board of Governors and the U.N. Security Council, of course, would be difficult. China and Russia – two of the Permanent Five Members of the Security Council – have already made it clear that they prefer to avoid the imposition of sanctions against Iran and North Korea. This, however, does not mean that many of these sanctions could not be supported by the European Union and most of America's key allies in Asia and the Pacific. In fact, private consultations to secure this result are presently underway.

As for the proposed country-neutral rules, the European Union, Russia, and China have already shown support for shifting the burden of proof in nuclear inspections to the inspected party by backing the European Union –U.S. package for Iran. In it, the IAEA Board of Governors and the U.N. Security Council must agree that Iran is out of the bomb making business before Iran is to be allowed to resume uranium enrichment. This, plus comments by Russia in favor of country-neutral rules and similar, recent Chinese statements, suggest that some or all of the suggested country-neutral rules might get through the U.N. Security Council.

One should not wait, however, until such backing is certain. Instead, the U.S. and its key allies

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should press as many countries as possible to support as many of these sanctions as is possible for North Korea and Iran's nuclear misbehavior. The objective in both cases would be the same. First, to deter Iran and other countries from thinking they can violate the NPT or their IAEA obligations and/or withdraw from these obligations with impunity. Second, to make sure no country concludes that it can follow Pyongyang or Tehran's example and either not pay a price or be rewarded. Finally, to make it clear to North Korea and Iran that matters will get worse, not better, unless they reconsider their current nuclear course.

Will this course of action keep Iran from getting closer to acquiring nuclear weapons? It's unclear. Will it get North Korea to disarm? Hardly. Is it still worth pursuing? Definitely. Particularly, if we wish to keep others from following the examples of Pyongyang and Iran. Certainly, in North Korea's case, little would be lost: Whatever North Korea might threaten in response, it has already threatened before and would be free to pursue no matter what is done. Avoiding this course, on the other hand, risks simply allowing the world to fill up with nuclear-ready states – something far more frightening and intractable than any danger North Korea alone could ever pose.

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