Waiting to Exhale:
The Six-Party Talks Agreement

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Introduction

Nuclear nonproliferation advocates worldwide welcomed the joint agreement issued September 19 by the participants in the “Six-Party Talks” process aimed at denuclearizing the Korean peninsula. The agreement evinces not only a commitment by North Korea to end all nuclear weapons development, but also a validation of a negotiated approach to the current Korean nuclear crisis which both North Korea and the United States have, at various times, resisted.

The agreement is not a trivial or minimal advance; it represents real progress toward resolving the crisis, the first significant progress in several years. Hence, those “not holding their breath” awaiting a crisis resolution should take notice. But neither is the agreement a full-fledged resolution, akin to the 1994 US-North Korea Agreed Framework; the agreement is only a first step. Hence, it is far too soon to let loose a collective sigh of relief. The agreement marks transition of the current process from prolonged initial parrying into serious negotiations – a stage which may or may not succeed. It is a “hold your breath” kind of moment.

This essay reviews the terms of the agreement, examines factors leading to its achievement, and assesses prospects for future negotiations. Although the obstacles to successful negotiated denuclearization of the Korean peninsula are daunting, opportunities for broader improvements in regional security emanating from the six-party talks process may also strengthen the capacity of the parties to overcome the obstacles of the nuclear crisis itself.

The Agreement

The September 19 agreement by the six participating countries (the United States, North Korea, South Korea, China, Japan and Russia) articulated consensus on a set of principles addressing both goals and means. In the agreement North Korea committed itself to end efforts to produce nuclear weapons, give up its “existing nuclear weapons,” rejoin “at an early date” the Nuclear Nonproliferation Treaty (NPT), and resubmit to International Atomic Energy Agency (IAEA) safeguards, including readmission of international inspectors to its nuclear facilities. The United States affirmed explicitly that it has no intention to attack or invade North Korea with either nuclear or conventional weapons and has no nuclear weapons deployed in Korea.1 South Korea also affirmed the absence of nuclear weapons on its territory and recommitted itself to the 1992 joint declaration on Denuclearization of the Korean Peninsula.
The United States, along with the other four parties, “expressed their respect” for North Korea’s asserted right to maintain civilian nuclear energy capabilities, and “agreed to discuss at an appropriate time” North Korea’s demand that it receive a light-water nuclear reactor for electric power generation. At the same time, South Korea reaffirmed its July 12, 2005, offer to provide two thousand megawatts of electrical power to North Korea, which would entail construction of conventional power plants and power lines linking the electrical grids of the two countries.

Both the United States and North Korea agreed “to respect each other’s sovereignty, exist peacefully together and take steps to normalize their relations subject to their respective bilateral policies.” Concurrently, the agreement also includes a commitment by North Korea and Japan “to take steps to normalize their relations in accordance with the Pyongyang Declaration” (issued following the summit meeting of those two countries leaders in 2002). More fundamentally, the agreement promises that “the directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum,” linking resolution of the nuclear crisis to creation of some type of security structure to replace the current formal state of war.

Finally, all six parties agreed “to take coordinated steps to implement the aforementioned consensus in a phased manner in line with the principle of ‘commitment for commitment, action for action.’” The agreement indicated that the fifth round of the six-party talks would convene again in Beijing in early November, 2005.

Few provisions in the agreement are new. Most had been previously articulated, in one form or another, by one or more countries independently. The significance of the agreement is that it brings all six parties to the talks into concord on a common language. The agreement, however ambiguous its language may be in places, also elevates the seriousness of the six-party talks process itself.

North Korea, the fulcrum of the nuclear crisis, has in the agreement both given and gained the most. The agreement appears to represent the “strategic decision” by North Korea to give up all nuclear weapons capabilities that has been a fundamental Bush Administration condition. The agreement also conveys no qualification to North Korea’s commitment to rejoin the NPT and submit all facilities to full-scope safeguards. For its part, North Korea stands to receive much needed economic and energy assistance. Perhaps more importantly for the Pyongyang leadership, North Korea has gained US acknowledgement of its sovereignty, confirmation of the absence of nuclear weapons in South Korea, and limited security guarantees – all longstanding demands. The language that implementation would be conducted in a “phased manner” establishes a sequential approach that will see North Korea accrue some benefits before it has satisfied all its obligations, a softening of the Bush Administration position that complete, verifiable and irreversible North Korean disarmament was a precondition to any further US actions.

North Korea’s more recent new demand to be provided light-water reactors as part of any ultimate settlement led to a three-week suspension of this fourth round of talks, and threatened to scuttle the process entirely. Although provision of such reactors was part of the 1994 Agreed Framework, many Bush Administration officials opposed that provision from the outset and have adamantly resisted allowing North Korea any civilian nuclear power capabilities beyond a small reactor to produce radioactive isotopes for medicinal and agricultural research. Few outside North Korea consider large new nuclear power plants to be a viable solution to the country’s desperate power shortage; its decrepit transmission grid could not handle the output. Moreover, many nonproliferation analysts now consider the ability of states to use the NPT’s provisions for peaceful nuclear technology sharing to gain capacities and expertise to initiate nuclear weapons programs to be a dangerous loophole in the regime. The parties’ agreement to “discuss” this “at an appropriate time” merely postpones this contentious issue, assuring that the
character of North Korea’s civilian nuclear program will be at the center of future discussions.

**Behind the Statement**

The fourth round of the six-party talks convened July 25, 2005, after a year-long interlude following conclusion of the third round in June 2004. Hampered by North Korea’s new demand for light-water reactors, two weeks of fractious talks ended in deadlock. But the parties agreed only to suspend the round, which resumed September 13. Yet this second part of the fourth round also appeared headed nowhere. Assistant Secretary of State Christopher Hill, the head US negotiator, had already determined to leave the discussions without any accord before a breakthrough took place.

The US team reportedly did the final bending to make the agreement possible, acceding at the last minute to Chinese and South Korean urgings to accept inclusion of ambiguous language on the light-water reactors only a week after Hill had stated that North Korea’s insistence on retaining a civilian nuclear program was “a nonstarter.” However, as the talks neared conclusion China presented a draft statement not only mentioning the reactors as a possibility but leaving open the point in the negotiations when the matter might be addressed. North Korea, though unhappy, had accepted the statement; China made clear it was prepared to blame the United States for failure of the talks if it did not also accept the statement. President Bush, perhaps to avoid fomenting a confrontation while burdened by disasters stretching from Baghdad to New Orleans, went along. Thus, the ambiguous allowance in the agreement that light-water reactors can be discussed likely does not represent a relaxation of the US position.

More broadly, however, achievement of the agreement does reflect the greater moderation and “realism” that has characterized the Bush Administration’s North Korea policy in the second term. The belligerent rhetoric of the administration’s first term, highlighted by President Bush’s famous inclusion of North Korea in the “axis of evil” in his 2002 State of the Union address, always elicited escalatory responses from Pyongyang that obstructed whatever diplomatic processes that may have been at hand – which at times appeared to be the US intention. But the exchange of recriminations following Condoleezza Rice’s inclusion of North Korea as one of six “outposts of tyranny” during her confirmation hearings as Secretary of State nominee now appears to mark a termination of the administration’s rhetorical belligerence. Instead, the United States began signaling its willingness to give North Korea the assurances of respect for its sovereignty and security that Pyongyang demanded, and worked more closely with China and South Korea to fashion plans to address the range of North Korea’s security, economic and energy problems.

The moderating move in both the tone and substance of the US position appears to be the handicraft of Secretary of State Condoleezza Rice, in recognition that the administration’s approach the previous four years was only allowing North Korea’s nuclear arsenal to grow unabated. Under her tenure, engagement of North Korea has become more genuine and constructive, rather than confrontational and pro forma. The agreement’s acceptance of sequential implementation of any final accord is a significant if subtle alteration in the US position that allows real negotiations to take place. Secretary Rice reportedly has engineered these adjustments in a manner low key enough to enable her to sustain the president’s support. At the very least, she has been able to put in place an approach to North Korea similar to the kind her predecessor, Colin Powell, was blocked from implementing by opponents within the administration. The resulting paralysis as much precipitated the current crisis as the administration’s confrontational tone. Thus, Rice’s real accomplishment may be to have given the administration a policy at all.
For the moment, then, the agreement represents a victory for Secretary Rice within the administration and, more generally, a bolstering of those in and out of the administration who have consistently argued that constructive engagement of North Korea could bear fruit. Will it last? The agreement points in the direction of an eventual settlement looking increasingly similar to the 1994 Agreed Framework that so many Bush Administration principals so vehemently rebuked. As the contours of US compromises become clearer, neoconservatives could unleash a backlash, especially if further progress, beginning in the next round of talks in November, is not realized. The willingness of the president to remain committed to a course of greater constructive engagement when the road becomes bumpy again will be the real test.

The agreement also represents validations for China and South Korea. China, previously a target of some criticism for not doing enough to pressure North Korea, has worked hard but quietly to entice both the United States and North Korea to continue meeting. Having long maintained that the North Korean nuclear crisis can be resolved only through negotiations comprehensively addressing the full range of related issues, China has been increasingly committed to seeing the six-party talks process bear fruit. As a result, China’s role as host and principal instigator of the negotiations process has taken on importance in shaping views of China’s broader international role, both within China and abroad. China’s reputation is not tied isomorphically to the success of the talks; its prestige could remain relatively intact if the process were to falter due clearly to the obstinacy of North Korea or the United States. Nevertheless, as the stakes of the process quicken, China’s insistence on pursuing a negotiated solution will increasingly be tested, demanding increasing Chinese commitment to insure that test is passed.

South Korea’s last two governments have sought to carve out an intermediate (if not mediating) role between the United States and North Korea, insisting simultaneously that both a nuclear North Korea and the use of force to prevent a nuclear North Korea are unacceptable. South Korea has played this role at the six-party talks, particularly in seeking to gain a mutual understanding over the light-water reactor issue. To critics, this position has sometimes seemed at best contradictory, at worst symptomatic of a split-mindedness willfully blind to either (depending on the critics) the serious threat North Korea still poses or the pernicious costs of unquestioned allegiance to the US alliance. In this light, it is unsurprising that South Korean officials would view the agreement as a major step forward. Thus, Unification Minister Chung Dong-young celebrated the agreement as “a victory of South Korea's diplomacy, launching the initial step toward resolving the Cold War structure on the Korean Peninsula and building a permanent peace structure in Northeast Asia,” and dwelt on the role of South Korea’s “important proposal” to provide electrical supplies to North Korea as having “revived the near-death six-party talks and decisively contributed toward the talks' adoption of a joint agreement of principles.” No doubt, so long as the six-party talks process bears fruits, South Korea can avoid choosing between its suitors; and thus its stake in the future success of that process also continues to rise.

The Road Ahead

If this fourth round of the six-party talks had been unable to produce any kind of an agreement, especially after the amount of time invested in this round’s meetings, the six-party talks process itself may have collapsed. Even supporters of a negotiating approach were concluding that the process, as it had been conducted over the past two years, was producing no results. From this perspective, the agreement was something of the minimum requirement to keep the process at all on track, and take the parties into a next round.

Yet, like any decision point, the achievement of agreement carries consequence. Even if the “status quo” of talks without results was no longer sustainable, the agreement marks
significant progress toward resolving security tensions surrounding the Korean peninsula at the core of which reside North Korea’s nuclear ambitions. Both the United States and North Korea have now demonstrated a willingness to negotiate productively that had been, since the collapse of the Agreed Framework in 2002, very much doubted on both sides. This commitment will need to be sustained, and even strengthened further, for the negotiation process to stay on course long enough to flesh out the principles of the agreement and resolve the remaining trenchant divisions.

The most immediate hurdles surround the scope and nature of any peaceful nuclear program that North Korea might retain. National statements issued subsequent to the joint agreement suggest that positions on that point remain as divided as ever. The State Department soon clarified the US position: the prospect of North Korea retaining a significant civilian nuclear power capacity is only “a theoretical proposition in the future, contingent on dismantlement having taken place, [North Korea] re-signing up to the Nuclear Non-proliferation Treaty and having IAEA safeguards in place.”vi North Korea’s Foreign Ministry instead underscored its demand that receiving a light-water reactor is a precondition: “We will return to the NPT and sign the safeguards agreement with the IAEA and comply with it immediately upon the U.S. provision of LWRs, a basis of confidence-building to us.”vii South Korean Unification Minister Chung Dong-young opined that his government’s offer of electrical energy to North Korea would remain in place “until the North scraps its nuclear weapons and if a decision is made to offer the North reactors,”viii language at least hinting that such an offer is a viable conception in his government’s eyes.

The sharp divergences of national statements on the light-water reactor issue in the immediate aftermath of the agreement have dampened some of the initial enthusiasm over the agreement itself. But both euphoria and despair are overreactions. Indeed, expressions of divergent interpretations of the agreement on this point were, to a certain extent, planned: to ease US acceptance of the agreement’s language, Secretary Rice reportedly proposed that each party would issue separate statements describing their understanding of the deal, with whatever additional specificity they chose.ix On the one hand, this pre-planned agreement to disagree underscores the fragility of the agreement itself. But on the other hand, it also demonstrates that the subsequent divergences of interpretation were to be expected. North Korea’s provocative statements, in particular, are fully consistent with its past behavior in similar circumstances.

The agreement’s indication of the other parties’ willingness to provide energy assistance to North Korea, which included South Korea’s offer, gave no indication that North Korea was prepared to accept this offer, particularly as a substitute for light-water reactors. North Korea has resisted being dependent on South Korea for electricity; in Pyongyang’s eyes, light-water reactors fueled by North Korea’s indigenous uranium resources would provide energy self-sufficiency. But the current inability of North Korea’s energy infrastructure to make efficient use of nuclear power generators, combined with increasing concerns that large power reactors create a proliferation risk in any country, suggests that renewal of the 1994 Agreed Framework’s provision for light-water reactors is unlikely to gain any other adherents. One possible bridging of this divide is to find a formula to uphold the principle of peaceful nuclear cooperation that the earlier agreement represented but implement it in a new direction responsive to present realities.x

Beyond this sticky wicket lie the complex difficulties in verifying North Korean compliance with whatever stipulations may emerge for dismantling its existing nuclear weapons capabilities and eliminating all capacity for future nuclear weapons development. First of all, the agreement’s reference to “all nuclear weapons and existing nuclear programs” does not explicitly include North Korea’s alleged second nuclear weapons program based on uranium enrichment. US charges in 2002 that this program constituted a breach of North Korea’s Agreed Framework and NPT obligations led
eventually to the collapse of the Agreed Framework at the end of that year. North Korea continues to deny the program exists. The inclusive language of the agreement would include that program if and when North Korea acknowledges it, and, it is difficult to imagine a complete accord in the absence of that acknowledgement, without which international inspectors would be forced to uncover it in more adversarial fashion. This issue constitutes another major challenge of future negotiations.

As devilishly, to achieve the agreement’s goal of “verifiable denuclearization of the Korean Peninsula” will require North Korea to accept verification intrusiveness an order of magnitude larger than it has experienced in the past. Previously, IAEA safeguards procedures applied principally to the Yongbyon facility, including the research reactor from which North Korea has extracted the spent fuel it is now purportedly reprocessing into weapons-grade plutonium. In the future, inspections and other verification procedures will need to demonstrate additionally the non-existence anywhere in the country of reprocessed plutonium or reprocessing facilities, uranium enrichment facilities, and completed nuclear explosive devices. Putting aside the tremendous political resistance such intrusiveness is likely to engender, North Korea’s nuclear program has now advanced far enough that there may emerge tangible technical obstacles to reaching a level of verification of North Korean denuclearization satisfying the international community. North Korea will have a hard time proving it is non-nuclear, even if it wants to.

Many benefits to North Korea under any final accord are likely to be contingent on achieving such verification. The agreement adopts the principle of “commitment for commitment, action for action.” But the nature of these commitments and actions is as yet undefined; beyond that task lays the even harder negotiation to order their sequences. Presumably, North Korea will insist that some benefits begin flowing to it before complete verification of its denuclearization is achieved, particularly given the intrusive and time-consuming challenges that complete verification is likely to pose. This result would resemble the model of the 1994 Agreed Framework, and would likely attract renewed criticism that, as under the Agreed Framework, North Korea could accrue enough support to stave off internal crises while never fully coming clean on its nuclear programs. Thus, dramatically increased verification challenges will make arranging the timing of other elements of any agreement more difficult as well.

**Toward Regional Security Cooperation**

Beyond these immediate obstacles, however, the wider scope of the agreement provides a guiding light. Indeed, perhaps the most promising elements of the agreement lie in its provisions for reaching a regional accord wider in scope than the immediate nuclear crisis.

In the agreement, the United States acknowledged North Korea’s sovereignty, pledged not to attack North Korea, and recommitted itself to normalizing relations. These negative security assurances will carry great weight for a country subjected to cavalier talk of “regime change” since the advent of the Bush Administration – language reinforced in North Korea’s eyes not only by the invasion of Iraq but also by specific inclusion of North Korea in the 2002 Nuclear Posture Review as a potential target for nuclear counterproliferation strikes. The mutual commitment to normalize relations was also a feature of the 1994 accord, and was also then a provision as valuable to North Korea as many of the more tangible benefits. Acknowledging the existence of the Pyongyang regime as a sovereign interlocutor was a key element of William Perry’s review of US North Korea policy at the end of the Clinton administration, and led directly to progress in relations abandoned as the Bush administration came to office. If the Bush Administration is now prepared to follow through genuinely in restoring this US posture, the benefits that could accrue to smoothing negotiations over more
contentious tangible matters should not be underestimated. The principle motivation of Kim Jong-il’s regime may likely be simply to survive as the ruling regime; progress toward normalization of ties is the metric by which Pyongyang gauges how much US “hostility” has abated. Consequently, as the US moves away from toppling the regime by force and toward eventual establishment of full diplomatic relations, it could find Pyongyang willing to put everything else on the table.

Much will need to be worked out over the nature and limits of US negative security guarantees – the presence of US troops in South Korea and the compatibility of commitments to North Korea with existing positive security guarantees to South Korea and Japan will be focal challenges. Also, the clause that the two countries would move to normalize relations “subject to their respective bilateral policies” denotes other issues fudged in the agreement. The United States government has longstanding concerns over North Korean support of terrorism, biological and chemical weapons, drug smuggling and counterfeiting, which will need to be resolved before full diplomatic relations can be established. Nevertheless, the costs of early and significant US moves toward normalizing relations certainly are relatively cheap compared to the potential benefits.

Today, unlike a decade ago, North Korea’s diplomatic outlook sees more than just the United States. In addition to the fluid engagement with South Korea, Pyongyang has opened a separate track to Tokyo. Thus it is notable that the agreement also includes a commitment by North Korea and Japan to restart efforts to normalize relations – efforts progressing up to the 2002 Pyongyang summit meeting of Kim Jong-il and Junichiro Koizumi, but undercut by reemergence of severe friction over North Korea’s abductions of Japanese citizens in the 1970s. The agreement language resurrecting these efforts on the basis of the joint declaration issued at that summit orients these efforts “on the basis of the settlement of unfortunate past and the outstanding issues of concern,” a reference to continuing perceptions throughout the region that Japanese governments have not sufficiently atoned for Japan’s World War II behavior.

Japan may have had little choice but to allow these issues to be implicitly linked to the six-party talks’ focal concerns. But the notable direct encounters between Japanese and North Korean representatives during the latest round of the talks suggest that both countries share real motivations to improve their bilateral relations. For Pyongyang, the motivation may be very material: trade and monetary transfer connections with Japan that are important to North Korea’s sustenance have recently been under pressure, while a large compensation for Japan’s colonial era abuses similar to that received by South Korea in 1965 must be enticing. Whatever the proximate motivations, however, this kind of linkage could enable the six-party talks process to contribute to resolution of regional security tensions well beyond the immediate nuclear crisis, thereby contributing to emergence of a more cooperative regional security environment.

This opportunity highlights the salience of the promise offered, near the end of the agreement, by the six parties’ mutual commitment “to joint efforts for lasting peace and stability in Northeast Asia,” entailing that “the directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum.” The Korean Peninsula remains technically (and, at the Demilitarized Zone separating the two Korean states, quite palpably) in a suspended state of war defined by the terms of the armistice that ended the Korean War in 1953. The necessary culmination of efforts to denuclearize the Korean Peninsula and normalize relationships among all the parties to the talks is attainment of a permanent peace treaty to replace the armistice and end the formal state of war. Such a treaty would require addressing the full range of security circumstances that are a legacy of the war, including North Korea’s missile and conventional force capabilities and the presence of US troops on the peninsula (to name only the thorniest).
The language specifying “an appropriate separate forum” reflects acknowledgement among the six parties that Japan and Russia would not be participants in the Korean peace treaty negotiations. A four-party format, including the two Koreas, the United States and China, is likely. The South Korean government proposed such a format in 1996, in the heyday of the Agreed Framework. But at the time North Korea insisted that negotiations should be between it and the United States, excluding the South Korean government, which is not a formal party to the armistice and which the North’s regime regarded as a US puppet. The subsequent rapprochement between the two Koreas, sparked by South Korean President Kim Dae-jung’s “Sunshine Policy” and culminating in his historic June 2000 visit to Pyongyang, transformed the North’s view of the South qualitatively. Today, Pyongyang sees many advantages to cultivating this relationship, ranging from the significant material aid the North receives to the tensions in US-South Korean relations that North-South engagement has helped to fuel.

Hence, although the agreement did not specify who the “directly related parties” of the separate forum would be, it seems likely that Pyongyang would accept giving Seoul a seat at the table. Pyongyang might even view Seoul’s presence as an asset. Increased US-South Korean frictions in recent years have been driven not only by the “mediating” role South Korea has sometimes sought to play between North Korea and the United States, but also by more independent difficulties, such as growing domestic resentment of the presence of US troops and prominent bases in the South. The current South Korean government is responsive to popular views that no longer see the North as a principal security threat and question the continuing need for US forces meant to counter that threat. The United States could even find itself the only one of the four parties to the peace talks not ready for dramatic reduction or even removal of the US military presence on the Korean Peninsula. In practice, sharp US-South Korean divisions are unlikely to emerge openly. But progress in negotiations over denuclearizing the peninsula and supplanting the armistice could, paradoxically, magnify the challenges Seoul and Washington face in sustaining their alliance.

Conclusion

Increased tensions in the US-South Korea alliance relationship would be a small price to pay for genuine progress toward establishing a verifiably non-nuclear Korean peninsula supported by a permanent peace regime. Such a regime would resolve one of the two major security tensions in East Asia (the other concerns Taiwan), could be a catalyst for easing other regional frictions (such as the legacy of Japan’s World War II aggression), and would be the foundation for the gradual emergence of a broader arrangement for regional security cooperation.

Some observers of developments in Korea in recent years have called upon the Bush Administration to put forward a “bold initiative,” beyond a simple amalgam of “carrots and sticks,” to reverse the trajectory that has seen North Korea move ever closer to becoming a full-fledged nuclear-armed state. Whether or not Kim Jong-il is prepared to fully and permanently give up nuclear weapons capability – that core question may not be answered until the day the deal is before him – that goal becomes ever more difficult the further the existing efforts advance. A breakthrough overture would aim not only to achieve a negotiated denuclearization of the Korean peninsula and a comprehensive peace settlement, but also to utilize the six-party talks process to substantively bolster regional security cooperation and initiate a meaningful regional security community. Not least among the benefits of such a broader effort would be to mitigate the impact if a negotiated solution to North Korea’s nuclear weapons ambitions is not forthcoming. The six-party talks agreement falls well short of this mark. But the agreement at least acknowledges the relevance of addressing the wider context of the nuclear crisis.
No final resolution of any sort will happen quickly. The next small steps, which negotiators will confront when the fifth round of talks begins in November, will be arduous enough. But a genuine negotiation has now begun. The world, with bated breath, will be watching its progress carefully. Hopefully, our lungs will be strong enough for the wait.
Notes

i This affirmation is the first-ever formal US agreement that it has no nuclear weapons deployed on the Korean Peninsula. The removal of US nuclear weapons in 1991-1992 was acknowledged only through the media by unnamed sources. This agreement is one of the more significant exceptions to the US policy to “never confirm nor deny” specific nuclear weapons deployments. Personal correspondence with Hans M. Kristensen; c.f. Kristensen, “The Neither Confirm Nor Deny Policy: Nuclear Diplomacy At Work,” A Working Paper, August 2004 (http://www.nukestrat.com/pubs/NCND.pdf).


