

## EXPLOSIVE PROGRESS IN THE SIX PARTY TALKS: WHAT'S LEFT TO DO WHEN IT IS ALL DONE?

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Adhering to the action-for-action framework of the February 13, 2007 agreement, North Korea and the United States traded symbolic actions last week that grabbed the headlines—explosive video footage of North Korea’s destroying part of its Yongbyon nuclear complex and announcements of dramatic change in Bush administration’s policies. Before the dust from the fallen 20-meter tall cooling tower could even settle, however, concerns throughout Washington (and Japan) were voiced in full volume. Has the United States finally learned how to play North Korea’s shell game?

**What Happened:** It began when the North delivered an account of its nuclear activities to Chinese officials on June 26. Six months earlier, when the account was originally due, North Korea’s inability to meet the deadline it had agreed to in February 2007 caused the Six Party Talks to stalemate, unable to continue under their existing framework without this action from the North. But that all changed in Beijing on June 26.

On standby to move as soon as the delivery to Chinese officials had transpired, President Bush announced on the 26th that he would begin the process of removing North Korea from the State Sponsors of Terrorism list as well as lifting trade sanctions associated with the Trading with the Enemy Act, enacted against the North in 1950 by President Truman.

The statement by Bush constituted two symbolic political victories for North Korea, which it then acknowledged with a symbolic gesture of its own—destroying the cooling tower at the Yongbyon plutonium complex. The televised event took 10–14 days of preparation at a cost of \$2.5 million to the United States, and required 200 kg of dynamite. The State Department’s Sung Kim was among the onlookers at the Yongbyon explosion.

**What Does It Really Mean:** The destruction of the cooling tower—arguably the most irreversible step towards nuclear disarmament in North Korea to date—is widely believed to mark the beginning of the end of Phase II. However, substantial clarification remains ahead. Until the following “loose ends” are tied up, last week’s “historic” events may be rendered empty.

First, the “declaration package” submitted by the North on the 26th reportedly includes information only about North Korea’s plutonium program, which produced fissile material for its nuclear weapons. Although it was earlier expected—perhaps hoped for—that North Korea’s declaration would also address its uranium enrichment and proliferation activities, Secretary of State Condoleezza Rice announced on June 28 that North Korea’s declaration did not resolve U.S. concerns on these points. The lack of information on them is a large point of contention, drawing criticism from across the political spectrum. Although the North had detailed its plutonium supplies in a submission to the United States in May, it agreed only to “acknowledge U.S. concerns” regarding uranium enrichment and proliferation. Many argue that the United States should not “settle” for what amounts to an incomplete declaration of all nuclear activities—especially given that, earlier in June, the 18,000 pages (comprising Yongbyon’s operating records) provided to the United States were found to have traces of uranium on them.

For its part, the United States kept its end of the deal—removal of North Korea from the State Sponsors of Terrorism (SST) list and lifting the application to it of the Trading With the Enemy Act (TWEA)—without enacting any real change. Rescinding North Korea’s designation as an SST is an easy step to take, with merely two requirements: a) that the DPRK not have provided support to international terrorism in the last six months; and b) that it give assurances that it will not provide future support. While Congress has until August 10 to enact a joint resolution that would block this from happening, no action is necessary to allow it to pass, and as of August 11 Secretary of State Rice may complete the rescission.

Lifting TWEA, however, required more invention to provide the North with the political concession it was seeking, without actually enacting any concrete change. With the announcement by President Bush of his termination of President Truman’s 1950 imposition of TWEA on the DPRK, a variety of sanctions, not elsewhere covered, would have been effectively lifted. However, almost simultaneous with Bush’s announcement, the Office of the Press Secretary at the White House issued an Executive Order by the president declaring a “national emergency” to deal

with the unusual and extraordinary threat to U.S. national security and foreign policy posed by the current existence and risk of proliferation on the Korean peninsula. The national emergency, as stated in the order, necessitates the continuance of certain restrictions on North Korea that would otherwise be lifted pursuant to the termination of TWEA—i.e., replacing most, if not all, restrictions that termination may have undone.

Statements from the U.S. Treasury further explain that no substantive actions with regard to lifting sanctions on North Korea have actually been taken. North Korea will not have restored access to the international banking system, from which it was largely cut off in 2005 amid the Banco Delta Asia money laundering and counterfeit allegations. Although about \$25 million in frozen North Korean funds in Banco Delta Asia was released in 2007, the Treasury's regulations regarding the bank, which prohibit U.S. banks from undertaking transactions with it, remain in effect. International banks have largely shunned Banco Delta Asia as well. Sanctions aimed at ending North Korean money laundering, illicit financing activities, and weapons proliferation will remain in effect, as well as sanctions that prohibit U.S. companies from owning, leasing, operating, or insuring North Korean-flagged shipping vessels, and from registering vessels in North Korea. It is difficult to ascertain what restrictions have actually been effectively lifted.

However, North Korea's destruction of its cooling tower was also symbolic. Operations at the nuclear facility ceased in July 2007, and it has since been undergoing extensive dismantlement steps to include the cooling device and vaporization equipment which the cooling tower once held. The tower had sat idle at for at least several months prior to its dramatic final demise.

**What Remains:** Over the next 40 days, the accuracy of Pyongyang's declared inventory will be assessed by international inspectors at the Yongbyon plant as pressure from Washington is applied to Pyongyang to address concerns it did not acknowledge within its declaration to China on June 26. The Six Party Delegates are expected to convene a new session in Beijing that will look at verification steps and the scrapping of the North's nuclear weapons program in exchange for massive aid and an end to "hostile policies" within the month of July. According to a June 26 statement from the State Department, Secretary Rice will consider the official rescission of SST only if and when the Six Parties reach agreement on acceptable verification principles and an acceptable verification protocol, the Six Parties have established an acceptable monitoring mechanism, and verification activities have begun. How many actual nuclear weapons North Korea has, their whereabouts, and negotiations regarding their dismantlement are still future challenges.

No longer an "enemy" or "sponsor of terrorism" state, North Korea has now been promoted to a state with a lot of sanctions. With the rhetoric gone, the substance of the restrictions placed on the DPRK still remains, and much verification is necessary before North Korea's latest "cooperative" actions can meet the standards of satisfaction its five negotiating partners are seeking. However, given the relative silence from the DPRK following a brief statement that they were "pleased" to hear Bush's address, one could ask whether it is possible that what transpired last week—or rather, what did not transpire—was enough to satisfy at least one party at the table.