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North Korean Nuclear Brinkmanship
Testing the Nuclear Nonproliferation Regime

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The Democratic Peoples Republic of Korea (DPRK) has already made a decision to become a declared nuclear weapons state. This is in contrast to a previous decision several years ago to become a nuclear weapons possessing state. Even after North Korea became a member of the Non-Proliferation Treaty (NPT) in 1985, it was able to avoid fulfilling its obligations (IAEA inspections) long enough to extract sufficient plutonium for 1-2 nuclear weapons. North Korea did this without publicly acknowledging it.

The choices Pyongyang had to make in the early 1990s were essentially unformed and influenced by larger events taking place. It watched as the Soviet Union disintegrated and its traditional ally, China, made overtures to South Korea. Pyongyang wasn't making long-term strategic decisions when it decided to extract plutonium for a nuclear weapons program. Like many of Pyongyang's decisions, it was taking advantage of what was available at the time and hoping to maintain a shroud of secrecy around its activities.

We saw this same kind of decision-making process years later when Pyongyang probably was presented with a barter opportunity by Pakistan. In exchange for missile technology and assistance for which Pyongyang thought it would be paid hard currency, Islamabad offered to provide Highly Enriched Uranium (HEU) hardware, technology and technical assistance.[1] At the time, Pyongyang was already years into its obligations under the 1994 Agreed Framework and the US and its allies were providing North Korea with 500,000 metric tons of heavy fuel oil each year until the first of two light water reactors (LWR) were completed.

Pyongyang has a record of initiating a series of secret, sensitive endeavors designed to be carried out in contravention to public promises it has made. The secret tunnels under the DMZ, the covert plutonium extraction at Yonbyon prior to 1992 and the more recent covert HEU

[1] *The New York Times*, March 31, 2003, "A Nation at War: Asian Front; US Rebukes Pakistanis for Lab's aid to Pyongyang," p. B15.

program are just a few of the more prominent examples of North Korean behavior. Other, more overt acts of terrorism such as the 1987 downing of a South Korean airliner (KAL 858) over Southeast Asia, the bombing of the South Korean cabinet in Rangoon in 1983, or the commando incursion by submarine into South Korea in September 1996 need to be factored in when trying to decipher North Korean decision-making we have come to associate with brinkmanship.

When your opponent has an established pattern of violent behavior, it is imprudent to assume his next assertion of impending disaster is only rhetorical flourish. Scott Synder, in his book "Negotiating on the Edge," attributes North Korea's penchant for brinkmanship tactics to its guerrilla experience in fighting the Japanese during colonization.

> The guerrilla partisan experience, through which leaders feel unconstrained by norms that might limit options of full-fledged members of the international community, has had direct application to and influence on North Korean preferences for crisis diplomacy and brinkmanship to gain the attention and respect of negotiating counterparts.[2]

The primary reason Pyongyang is taken seriously at the negotiating table is because of its track record for violence and because the stakes are usually too high and the consequences for others (not necessarily the negotiators) unacceptable if diplomacy fails. In this regard there was an element of mutual brinkmanship during the 1993-94 nuclear crisis. The DPRK had drawn a red line over UN sanctions for which it said it was prepared to go to war. The United States had drawn a clear red line over North Korean reprocessing, which it, likewise, was prepared to go to war. Both sides believed that other was not bluffing and opted to negotiate a settlement, the 1994 Geneva Agreed Framework.

The primary distinction in the current crisis is that neither side is explicitly threatening war. The United States has said that it cannot tolerate a nuclear North Korea, but has failed to define precisely what it means and has, to the contrary, indicated that it may be prepared to live

[2] Scott Snyder, *Negotiating on the Edge: North Korean Negotiating Behavior* (Washington, D.C.; The United States Institute of Peace Press, 1999). P. 144.

with a nuclear North Korea.[3] Pyongyang has been much less convincing in rehashing some old lines about sanctions equating to war while, in practice, doing nothing as Japan tightens its port entry requirements and the United States and ten other nations joined the President's Proliferation Security Initiative designed ultimately to interdict North Korean shipping if illegal cargo is suspected.

The Proliferation Security Initiative (PSI) is an interesting by-product of a divided US Administration unable to decide on a coherent North Korea policy. In a speech in Poland on May 31, 2003, the President announced PSI:

> When weapons of mass destruction or their components are in transit, we must have the means and authority to seize them. So today I announce a new effort to fight proliferation called the Proliferation Security Initiative. The United States and a number of our close allies, including Poland, have begun working on new agreements to search planes and ships carrying suspect cargo and to seize illegal weapons or missile technologies. Over time, we will extend this partnership as broadly as possible to keep the world's most destructive weapons away from our shores and out of the hands of our common enemies.[4]

In isolation PSI makes sense. It is only prudent, in a post-9/11 environment, to create capabilities to defend against terrorism where no such capabilities existed before. The only problem with PSI is that it was created primarily with North Korea in mind – almost as if the United States had concluded that diplomacy would fail and North Korea would become a serial producer of nuclear material to the point that it would proliferate its excess. As a broader part of the architecture of non-proliferation,[5] PSI is overdue. As a part of the arsenal of diplomacy in dealing with North Korea, it appears uncoordinated. The first PSI exercise, "Pacific Protector," was being organized and profiled during the 6 Party Talks in Beijing.

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[3] *The New York Times*, p. A1, July 21, 2003

[4] White House Press Release, "Remarks by the President to the People of Poland," May 31, 2003.

[5] Bureau of International Information Programs, U.S. Department of State, *The Washington File*: "Speaking to a group of reporters at the Pentagon on September 12, a Department of Defense official said the exercise -- part of the Proliferation Security Initiative (PSI) -- joins other non-proliferation measures such as international arms control treaties and export controls to help halt dangerous trade in weapons of mass destruction (WMD), ballistic missiles and related technologies."

Some would argue that the Bush Administration was too occupied with Iraq to deal effectively with North Korea. For the Administration, North Korean timing could not have been worse. President Bush was laying the groundwork to go to war in Iraq and North Korea was kicking out IAEA inspectors and withdrawing from the NPT. If the United States re-established the Clinton red line of reprocessing spent fuel rods, the President would be diverted from his mission to remove Saddam Hussein. For its part, Pyongyang was not operating in a vacuum when it made its decision to restart its nuclear facilities at Yonbyon. It calculated that the United States was preoccupied with Iraq and its military build up in Kuwait and would not be able to devote the military resources that would have been required to sustain military conflict on the Korean Peninsula. However, North Korea was not totally convinced that the United States would not take some limited, surgical action at Yonbyon.

Pyongyang watched developments in Vienna as the IAEA Board of Governors struggled to meet and decide on appropriate action. Pyongyang was able to calculate the role China, Russia and the ROK would play in eventually preventing the United Nations Security Council from taking meaningful action. In contrast, when the DPRK announced its intention to withdraw from the NPT on March 12, 1993, the members of the Security Council approved a Statement by the President of the Security Council three weeks later urging the DPRK to fulfill its international non-proliferation obligations by returning to compliance with the NPT and its safeguards agreement.

Pyongyang has also publicly announced each step on its path toward becoming a declared nuclear weapons state. It has not yet taken a significant step it did not preview with the US. Some might conclude that Pyongyang is testing the water along the way to see if it is about to cross an undeclared US red line. Having met with little resistance, Pyongyang has determined

that the way is clear all the way to its end game.

What then is stopping the DPRK from accelerating its nuclear program and declaring itself to be a nuclear weapons state? Certainly the situation in Iraq would suggest that Pyongyang would get little reaction from Washington if it launched another long-range missile (now part of the Administrations expanding definition of WMD) or even if it conducted a nuclear test. Unstated, but probably understood by Pyongyang, is the unofficial threshold of proliferation of WMD that would get Washington's belated, but undivided, attention. Left unchecked, Pyongyang will, sooner rather than later, publicly seek to join the nuclear club.

What are the lessons that the Bush Administration should have learned in dealing with North Korea? First, prevention (or non-proliferation) is a far better policy than reaction (or counter-proliferation). The Administration should have been engaged directly with North Korea from the beginning. It would have been in a far better position to deal with the developing information on Pyongyang's covert HEU program. As it is now, North Korea is in charge of the pace and direction of events on the Korean Peninsula. Second, and more importantly, the US should have clearly and early established reasonable red lines. Allowing the DPRK to unfreeze Yonbyon and reprocess 8017 spent fuel rods was unacceptable. For all its talk about military options, it was not until early March 2003 that the President explicitly and publicly raised the possibility of using military force against North Korea.[6] By then Pyongyang was already reprocessing its spent fuel rods. And thirdly, the United States should have taken early steps to reassure key players (Russia, China and South Korea) that it was committed to a moderate path to peacefully resolve the budding crisis. This enhanced level of coordination would have paved the way to a multilateral solution – one that could have included reasonable and appropriate

[6] *The Baltimore Sun*, 4 March 2003, "Bush says force now an option on N. Korea;"p A1.

action by the United Nations Security Council.