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NEGOTIATIONS WITH NORTH KOREA

Mr. Chairman, thank you for the opportunity to testify before the Committee this morning on the question of negotiating with North Korea.

As the current nuclear impasse grows more serious, we still do not know for sure whether North Korea is irrevocably committed to having nuclear weapons or is instead prepared to give up the nuclear option in exchange for security assurances and other benefits. The succession of steps North Korea has taken in recent months to end the plutonium freeze at Yongbyon -- together with its clandestine uranium enrichment program begun in the late 1990s -- have cast increasing doubt on the relatively benign explanation that Pyongyang is willing to trade away its nuclear program. In a matter of weeks, it could take the fateful step of starting the reprocessing of spent fuel rods that could produce enough plutonium for about five additional nuclear weapons.

If the North Koreans are indeed determined to acquire and retain nuclear weapons, there is little we can do short of war to stop them. But the implications of the DPRK becoming a nuclear power are so disturbing that, before we accept that outcome as a fait accompli, we should put Pyongyang's declared willingness to give up nuclear weapons to the test at the negotiating table. And while the U.S. Administration is understandably reluctant to convey the impression that it is eager for talks and susceptible to North Korea's notorious brinkmanship tactics, the fact of the matter is that time is fast running out to head off actions that would be very difficult to reverse.

So the U.S. should engage with North Korea, and should do so soon. My testimony provides some suggestions on getting that engagement underway and on carrying it forward.

Participation in the negotiations

The question of who would participate in negotiations with the DPRK has recently been a serious stumbling block. The U.S. has favored a multilateral framework and has reportedly considered a number of variants, including a forum that included the five Permanent Members of the United Nations Security Council, North and South Korea, Japan, the European Union and Australia. The North Koreans, however, have adamantly opposed a multilateral approach and have insisted on direct, bilateral talks between themselves and the U.S.

The Bush Administration is right that the challenge posed by North Korea is not simply a bilateral matter between the U.S. and DPRK. North Korea's neighbors and others in the international community have a huge stake in the outcome of the crisis, and they should therefore participate in both the development and implementation of any solution. At the same time, it is clear that mutual threat perceptions between Washington and Pyongyang are a central factor in the current situation, especially on the nuclear issue, and that any solution will have to deal with the particular requirements of those two protagonists (including the North Korean requirement for security assurances from the United States and the U.S. requirement that commitments by the DPRK be verifiable).

In these circumstances, it is reasonable to begin the negotiating process on two separate tracks. The U.S. and North Korea would engage in direct, bilateral talks, primarily on the nuclear issue. In parallel, a multilateral group would convene that could include the P-5, Japan, the two Koreas, the E.U., and Australia. North Korea would have a place reserved for it in the group but would not be required to participate from the outset. Indeed, at the outset, the multilateral group would serve primarily as a mechanism in which the U.S. could consult the others on its approach for handling the nuclear issue in the bilateral talks. It might enable the U.S., in some sense, to represent the views of the others in its talks with North Korea and to discuss solutions with the North in which the others would play a significant role.

Eventually, perhaps after a general framework for resolving the nuclear issue had been developed bilaterally, the multilateral forum would become the umbrella, or steering group, under which various forms of engagement with North Korea would take place. Under that umbrella, some combination of participants (including the DPRK) might discuss North Korea's energy requirements; another combination might work on food aid and other humanitarian needs; another might address Northeast Asian transportation links; and so forth. Further bilateral engagement, including DPRK-Japanese normalization talks and any other U.S.-DPRK talks, could take place within this multilateral framework, with the steering group meeting from time to time to take stock and coordinate efforts.

Explicit North Korean approval of this framework for engagement should not be a requirement for getting the U.S.-DPRK bilateral talks on the nuclear issue underway. What should be a requirement is support from the *other* participants. They should agree that, in exchange for the U.S. getting the talks started bilaterally, they would participate in the multilateral process, bear their fair share of the implementation burden, and press the DPRK to join the multilateral framework at the appropriate time if it wants to reap the benefits of engagement.

This suggested approach is one of any number of promising variants that might be devised. The U.S. Administration is reportedly exploring with interested parties a variety of formulas that may involve bilateral talks within a multilateral framework. The precise formula is less important than the need to get talks on the nuclear issue started right away and the need for North Korea's neighbors and the wider international community to recognize their responsibility for helping to meet the challenge North Korea has posed.

Avoiding negotiations under duress

Another stumbling block in the way of finding a solution is the preconditions that both Pyongyang and Washington seem to have established for negotiations on the nuclear issue. The North Koreans have suggested that, before their nuclear program can be addressed, the U.S. must first provide assurances about the DPRK's security. The U.S. has indicated that, before any such assurances can be discussed, the North must first convincingly dismantle its nuclear program and that, until then, the U.S. is willing to meet only for the purpose of discussing how Pyongyang is prepared to carry out such dismantlement.

Such preconditions are a recipe for paralysis. But there are steps the two sides can take in parallel, before the talks begin, to increase prospects for success -- and to ensure that neither side will have to negotiate under duress. North Korea should undertake that, while the talks are underway, it will not reprocess its spent fuel and it will permit the International Atomic Energy Agency to return to Yongbyon for the purpose of re-applying monitoring seals to its reprocessing facility. For its part, the U.S. should pledge that, as long as those seals are intact, it will not engage in military action against Yongbyon and will not support United Nations sanctions against North Korea.

The U.S. pledge, which could be provided in writing at a senior level, would temporarily preclude two forms of pressure about which the North Koreans have expressed serious concern -- namely, U.S. military strikes and Security Council sanctions. While the DPRK pledge would not restore the entire freeze at Yongbyon (e.g., would not halt the recently re-started operation of the 5 mw reactor), it would remove, also temporarily, the most urgent threat posed by North Korea -- namely, its ability to reprocess enough plutonium to have an arsenal of six or more nuclear weapons within about a year.

Presenting a clear choice

Whether in an initial bilateral phase or a subsequent multilateral phase, negotiations with North Korea will only succeed if Pyongyang is given a clear choice between a much brighter future without nuclear weapons and a much bleaker one with them. That means the U.S. and others who will engage with the North must come prepared with both carrots and sticks.

The U.S. Administration is right that the North Koreans should not be rewarded for coming into compliance with existing obligations. What that means is that their illegal uranium enrichment program and their provocative lifting of the plutonium freeze should not entitle them to a better deal than they had under the 1994 Agreed Framework. Indeed, they should pay a penalty for those actions. For example, instead of expecting in any new negotiations to have the Agreed Framework restored intact (or even improved from their perspective), they should recognize that they may have to forfeit some of the

features they favored (e.g., nuclear reactors) or be required to do more than under the 1994 deal (e.g., send spent fuel rods out of North Korea at an earlier date).

But the principle of not rewarding the DPRK for simply living up to previous commitments does not mean that it should not be offered additional incentives for accepting additional obligations -- that is, more for more. In exchange for credible and verifiable DPRK commitments that alleviate U.S. concerns and those of other interested countries, we and those others should be prepared to address North Korea's needs in the energy, food, infrastructure, and other economic areas as well as its concerns about its security and sovereignty. Moreover, while it may be tempting, given Pyongyang's checkered compliance record, to insist that the North Koreans first take steps to meet our concerns before we meet theirs, we will only succeed in inducing them to do what we want them to do if we adhere to the principle of simultaneity, with both sides moving ahead together in a carefully calibrated way.

The vision of a better future must be credible to the North Koreans if we want to influence their behavior. The incentives must be spelled out as specifically as possible and as early as possible. But if we want the North Koreans to reverse the reckless course on which they are now embarked, the high costs of continuing on that course must also be made clear to them.

That does not mean imposing penalties now, even though such penalties may already be justified on the basis of Pyongyang's behavior. At this stage, imposing penalties, especially U.N. Security Council-mandated sanctions, would likely result in the North Koreans digging in their heels or even stepping up their provocations. For the time being, sanctions should be held in reserve.

But the U.S., North Korea's neighbors, and the rest of the international community should be sending the message now that, if Pyongyang chooses the wrong path -- the path of acquiring nuclear weapons -- then it can expect to be the target of a concerted multilateral effort to ensure that it will pay a high price for its choice.

While it is premature at this stage to impose sanctions, it is not too early to start developing them in case they are needed. One approach -- both as a punitive measure and as a means of impeding North Korea's nuclear and other weapons programs -- would be for the Security Council to prohibit all U.N. members from exporting to or importing from North Korea all military and dual-use goods and technologies. Such an embargo could be accompanied by means of making it effective, such as authorization for U.N. members (or a multilateral interdiction force) to search suspect ships or aircraft and seize prohibited cargoes.

To send the message that choosing nuclear weapons will entail huge costs, the international community must speak with one voice. But clearly, the most important voices will be China and South Korea. Chinese leaders should use their private channels to tell their obstreperous old friends that a North Korean nuclear weapons capability is

unacceptable to China and that China will not use its veto to block U.N. sanctions if North Korea does not heed its advice.

The message from Seoul is probably even more important. But so far, South Korea's new president, Roh Moo-hyun, has spoken as if a peaceful, diplomatic solution can be achieved with only carrots and no sticks. President Roh and his Administration must be frank with Pyongyang that North-South engagement cannot be insulated from the nuclear issue. They must convey clearly that, as much as the new government in Seoul wishes to move forward with North-South reconciliation, a DPRK decision to become a nuclear power would put a brake on inter-Korean engagement and make it impossible to go ahead with business as usual.

Pursuing a broad agenda with North Korea

Taken together, the issues that the U.S., ROK, the DPRK's other neighbors, and other members of the international community would wish to pursue in negotiations with North Korea are broad and diverse. Those various agendas overlap considerably, but they are not identical and there are differences of priority. Such diversity can be accommodated, however, by establishing a multilateral umbrella (as discussed above) under which a variety of bilateral and multi-party engagements can take place.

The nuclear issue deserves the highest priority. It should be addressed, at least initially, in U.S.-DPRK bilateral talks, although elements of a possible solution (e.g., IAEA verification, security assurances) might be worked out and implemented in a multilateral framework.

The Bush Administration has previously spoken of pursuing a "comprehensive" agenda with the DPRK that, in addition to the nuclear issue, would cover North Korea's missile exports and indigenous long-range missile programs, conventional military forces and military confidence-building measures, and humanitarian and human rights issues. A number of these items might lend themselves to multilateral attention, while a few others could be pursued bilaterally.

North Korea's neighbors each have similarly wide-ranging matters to take up with the DPRK. For Japan, the list includes the question of Japanese citizens previously abducted by North Korea, the threat from medium-range No Dong missiles, provocative DPRK actions such as sending spy ships into Japanese waters, and large-scale Japanese assistance as a form of compensation for Japan's colonization of Korea early last century. For China and Russia, the list includes a broad array of political and economic questions. The inter-Korean agenda between the DPRK and the ROK is, of course, the broadest agenda of all, dealing with every facet of the process of reconciliation between the two halves of the long-divided Peninsula.

The content of multilateral engagement with North Korea is too complicated and diverse to expect to resolve all the issues at once, as part of a large package. It would be essential to proceed incrementally.

When the U.S. Administration announced its comprehensive agenda with North Korea in the summer of 2001, it said that it recognized that progress on the various agenda items could not be made at the same speed. Nonetheless, it called for making headway on all the issues “across the board.” It was not prepared to conclude separate agreements on some issues if deliberations on other issues were not getting anywhere.

All of the items on the Administration’s comprehensive agenda are important and should be pursued with Pyongyang. But insisting on progress on *all* issues as a condition for reaching agreement on *any* of them could lead to a prolonged stalemate across the board, and could preclude near-term agreements on items of considerable urgency (e.g., stopping North Korean missile exports). Therefore, while progress should be sought on all items on the comprehensive agenda, they should not be tightly linked. If agreements can be reached on individual items that serve U.S. and allied interests, they should not be held hostage to further progress on other matters.

Coordinating with South Korea

To improve prospects for success in engaging with North Korea, the United States and North Korea’s neighbors must seek to coordinate their approaches to the negotiations. But by far and away, the most crucial coordination will be between Washington and Seoul.

In the coming weeks and months, the Bush Administration and the new administration of President Roh Moo-hyun should make every effort to forge a common approach for dealing with the North on the nuclear issue. In the absence of such a common approach, Pyongyang will have little incentive to come to agreement and every incentive to prolong the crisis in the hope of exacerbating differences between the U.S. and ROK and of stoking up anti-Americanism in South Korea.

But forging a common approach is not only essential for dealing effectively with the North on the nuclear issue. It is also crucial to the future of the U.S.-ROK bilateral relationship. That relationship has deteriorated significantly over the last few years, in part because of the widely-shared perception in the South that the Bush Administration’s tough policies and rhetoric toward Pyongyang have increased tensions on the Peninsula and become an obstacle to progress in inter-Korean relations. The failure to narrow the large gap that currently exists between Washington and Seoul on policy toward the North could put in jeopardy a bilateral relationship that is a key to stability in the Northeast Asia region and to America’s influence and military presence throughout East Asia.

Achieving a common approach will require intensive bilateral consultations between the two administrations in the period ahead. But it will require more than putting a good consultative process in place. It will require both sides to make real adjustments in the positions they have taken so far. At a minimum, it will require the U.S. Government to swallow hard and agree to begin bilateral talks with a North Korean regime it doesn’t trust and finds distasteful. It will require the ROK Government to

swallow hard and make clear to the North that its becoming a nuclear power would inevitably place serious limitations on the assistance that Seoul can provide and on the progress that can be expected in inter-Korean relations.

Mr. Chairman, the news media have reported in recent days that the Bush Administration has come to the conclusion that North Korea is determined to reprocess its spent fuel and become a nuclear power. Instead of using military force or negotiations to try to prevent such a development, the Administration, according to these news reports, is inclined to accept it as inevitable, to begin preparing to deal with its consequences, and to fall back to a policy of trying to stop a nuclear-armed North Korea from selling fissile material or other sensitive technologies to hostile states or terrorists.

I hope these reports are inaccurate. The regime in Pyongyang may well have decided that its survival depends on having nuclear weapons and that it must therefore proceed as rapidly as possibly to amass a small nuclear arsenal. But we certainly don't know that at this stage. And given the huge stakes involved, it would be a monumental error if, out of a moral aversion to negotiating with regimes we don't like, we failed to explore face-to-face whether North Korea was indeed irrevocably committed to nuclear weapons and whether a deal could be worked out that credibly ended the DPRK's nuclear program and served the interests of the U.S. and its friends and allies.

Success in any negotiations with North Korea is far from assured. If North Korea has indeed decided that it must have nuclear weapons -- or is unwilling to accept a reasonable arrangement -- then the talks will fail. In that event, the U.S. will have no choice but to resort to a policy of pressure, isolation, and containment. But before resigning ourselves to such a worrisome course, we should first find out, at the negotiating table, whether a much better outcome is possible.