

What's New? Comparing the February 13 Action Plan with the Agreed Framework

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Abstract

The February 13 Action Plan represents the lowest common denominator for the parties involved. In agreeing to the plan, all parties made minimum necessary concessions, and gained minimum satisfactory outcome. North Korea succeeded in bringing the United States back on the engagement track, but it had to freeze the important part of its nuclear facilities and be satisfied with a much smaller aid package than under the Agreed Framework. China and South Korea successfully persuaded the United States to come back on the engagement track. But to compensate for the US concession, China had to provide strong political leadership, and South Korea had to show its willingness to shoulder the financial burden involved in implementing the Action Plan. Japan was upset by the shift in the US position, but the Action Plan was not totally a bad thing for Japan since it could have North Korea's nuclear facilities frozen without making substantial financial contributions as it did under the Agreed Framework. The objective of this article is to make a preliminary evaluation of the Action Plan by comparing it with the October 1994 Agreed Framework and, more broadly, comparing the first phase of North Korea's nuclear diplomacy in 1993-1994 with the second phase, which started in 2003.

Keywords: North Korea, nuclear issue, United States, Agreed Framework, Six-Party Talks

On February 13, 2007, the Third Session of the Fifth Round of the Six-Party Talks ended with the adoption of the “Action Plan” for the implementation of the September 2005 Joint Statement.¹ This February 13 Action Plan represents the lowest common denominator for all the involved parties. In agreeing to the plan, all parties made minimum necessary concessions and gained a minimum satisfactory outcome. North Korea succeeded in bringing the United States back to the engagement track, but it had to freeze the important part of its nuclear facilities and satisfied itself with a much smaller aid package than under the Agreed Framework. The United States convinced North Korea to commit to a freeze of its key nuclear facilities at the price far cheaper than in 1994. But by softening its North Korea policy and appearing to reward North Korea’s bad behavior (namely, North Korea’s test of a nuclear device) by giving in to North Korea’s brinkmanship diplomacy. China and South Korea successfully persuaded the United States to return to the engagement track. But to compensate for the US concession, China needed to provide strong political leadership, and South Korea had to show its willingness to shoulder most of the financial burdens involved in implementing the Action Plan. Japan was upset by the shift in the US position since the policy change appeared to isolate Japan as the only advocate of containment. However, the Action Plan was not totally a bad thing for Japan since North Korea was committed to freeze its nuclear facilities without a substantial financial contribution from Japan such as the commitments under the Agreed Framework.

The objective of this article is to make a preliminary evaluation of the Action Plan by comparing it with the October 1994 Agreed Framework and, more broadly, by comparing North Korea’s first nuclear diplomacy in 1993-1994 with the current phase since the start

¹“Initial Actions for the Implementation of the Joint Statement,” Beijing, China, February 13, 2007.

of the second North Korean nuclear crisis in 2003. In order to make a systematic comparison, this article will discuss characteristics of North Korea's coercive actions, and assess the effectiveness North Korea's actions in achieving its objectives. Two caveats follow. First, the implementation of the Action Plan is still an ongoing process. Therefore, we do not know how well the plan will be implemented. For this reason, this article will compare the provisions of the Action Plan and the Agreed Framework while setting aside the issues of implementation. Second, while the Agreed Framework was a comprehensive agreement containing both goals and full-fledged action plans, the February 13 Agreement was only a partial action plan for the "Joint Statement of the Fourth Round of the Six-Party Talks" (hereafter simply referred to as the Joint Statement) signed in Beijing on September 19, 2005. In this context, provisions of the Joint Statement will be referred to where necessary in the following discussion.

Characteristics of North Korea's Coercive Actions

Coercive Tools

In both 1993-1994 and 2003-2007 cases, North Korea used more or less the same set of coercive tools to achieve its policy objectives: the pursuit of plutonium-based nuclear weapons program and medium-range ballistic missiles. With regard to the nuclear program, of particular importance were the 5 megawatt-electric (MWe) reactor and the reprocessing facility in Yongbyon, which together could produce the amount of plutonium enough for one to two nuclear bombs annually. The second nuclear crisis started in October 2002 when the United States revealed that North Korea had been acquiring necessary equipment for uranium-based nuclear weapons program. However, North Koreans actions after announcing their withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

in January of 2003 were not aimed at building nuclear weapons based on uranium enrichment but were designed to lift the freeze on its facilities in Yongbyon through renewed production of plutonium.

The new elements of the second nuclear crisis were the maturity of North Korea's nuclear program and the North Korea's increased capacity to produce nuclear weapons from plutonium. North Korea conducted a nuclear test in October 2006 almost twelve years after the signing of the Agreed Framework. Under the Agreed Framework, central components of its nuclear program—the production, extraction, and accumulation of plutonium—were frozen. However, as the freeze did not cover the development of a detonator, the miniaturization of nuclear devices, and the development of delivery means, it is believed that North Korea has continued work on these projects even after 1994. The yield of the October 2006 nuclear explosion was much smaller than expected. In this sense, the test was not a clear-cut success, but it was still significant that North Korea detonated a nuclear device. Finally, in terms of plutonium production, the amounts that North Korea produced in the 1990s and in the recent years are roughly equivalent. The Institute for Science and International Security (ISIS) estimates that the 5MWe reactor had produced 28-39 kilograms of plutonium (4-9 bombs equivalent) prior to the Agreed Framework, and 23.5-30 kilograms between 1994 and February 2007 (of which 10-13 kilograms have not been extracted). So the volume of plutonium produced is not very different between the two periods. However, the difference is that while the Agreed Framework stopped the plutonium from being separated in the former case, nothing prevented the separation in the latter. In 1994 there were only 0-10 kilograms of separated plutonium (0-2 bombs equivalent). In 2006 there were 33-55 kilograms of separated plutonium (6-13 bombs equivalent).²

²David Albright and Paul Brannan, "The North Korean Plutonium Stock, February

North Korea launched three Scud missiles and one Rodong missile in May 1993, about two and a half months after North Korea's announcement of its withdraw from the NPT. In the second crisis, it launched three Scuds, two Rodongs, and one Taepodong 2 missile in July 2006. In the former, all missile launches seemed to have been successful while in the latter, the Taepodong 2 launch failed.

An important difference between the two sets of missile launches was that in 1993 the missiles were launched in the direction of Tokyo whereas in 2006 they were launched in the direction of narrow sea corridor between Japan and Russia. The only exception was the Taepodong 2, which was supposedly launched in the direction of Hawaii. Also new in 2006 was that Rodong missile had become operational and had been deployed in large numbers in North Korea and that Taepodong 2 with the estimated range of 3,500-6,000 kilometers was tested. In the second half of the 1990s, North Korea began deploying Rodong missiles with a range of 1,300 kilometers. At present, it has deployed some 175-200 Rodong missiles capable of covering almost the entire territory of Japan.³ As it is difficult to spot Rodong missiles mounted on mobile launchers before they are launched, a preemptive strike cannot be effective. Since Japan and the United States are not capable of defending Japan against Rodong missiles, Tokyo, like Seoul, is now held hostage militarily.

Deterrent

In both first and second nuclear crises, North Korea's deterrent capabilities played a critical role. While exercising nuclear coercion, North Korea had to deter preventive attacks to take out the nuclear facilities by the United States. Also, North Korea had to avoid being

2007," Institute for Science and International Security (ISIS), February 20, 2007.

³ *Asahi Shimbun*, April 25, 2003, p. 2.

coerced into abandoning its nuclear development without obtaining meaningful “compensation.”

By June 1994 the United States had developed a plan to attack North Korean nuclear facilities. According to the plan, the United States could execute such an attack with little or no risk of US casualties and a low risk of North Korean casualties, as well as a very low risk of radiation release into the atmosphere.⁴ Since the North Korea’s capability to defend its nuclear-related facilities against such an attack was limited, it had to deter such an attack in the first place. And this has not changed until now.

In the first nuclear crisis, conventional offensive military capabilities seem to have played the central role in deterring possible US attack. More specifically, the deployment of a large number of long-range artillery and the multiple-rocket launchers along the Demilitarized Zone (DMZ) was important. North Korea reinforced its artillery capability in the forward areas since 1993, first in the central and western areas, and then in the eastern area.⁵ North Korea was capable of delivering artillery shells and rockets to Seoul, making the North Korean threat to turn Seoul into the “sea of fire” a credible one.

The most important reason why the United States and, in particular, South Korea wanted to avoid a serious military clash was not the fear that the US-ROK side might be defeated militarily but the large number of casualties and damages that would be suffered even if the war was won. Based on the US-ROK combined Operation Plan (OPLAN) 5027, which envisaged offensive operations deep into North Korea, an all-out war on the Peninsula was estimated to result in one million people killed, including 80,000-100,000 Americans,

⁴ Ashton B. Carter and William J. Perry, *Preventive Defense: A New Security Strategy for America* (Washington, DC: Brookings Institution Press, 1999), p. 128.

⁵ Ministry of National Defense, Republic of Korea, *Defense White Paper 1998* (Seoul: Korea Institute for Defense Analyses, 1999), p. 67.

US expenditure of more than \$100 billion, and more than \$1 trillion in damages incurred upon property and business activity. North Korean threats worked quite effectively. South Korean President Kim Young Sam became reluctant to risk military confrontation as the tension rose in 1994. On the US part, although policymakers did not think that all-out war was highly likely, they expected North Korea to take “some form of violent retaliation” such as attacks along the DMZ, long-range artillery shell strikes against Seoul, and commando attacks somewhere deep in South Korea.⁶

The basic deterrent structure was not different in the second nuclear crisis. The United States and, in particular, South Korea were reluctant to use force for fear that a large number of casualties and damage would be suffered in case North Korea retaliated. The United States formally adopted the strategies of “preemption” in 2002 and continued to strengthen their counter-fire capabilities. However, the number of North Korea’s 170-mm artillery pieces has reportedly grown from about 200 in the early 1990s to over 600 in 2001, and that of the 240-mm multiple rocket launchers (MRL) has increased to 430 by 2001.⁷ It is therefore reasonable to assess that North Korea’s deterrent capability based on its threat to “punish” Seoul had not diminished in a meaningful way.

What has changed most is North Korea’s ballistic missile arsenal. North Korea’s deterrent capabilities have been strengthened

⁶ Joel S. Wit, Daniel B. Poneman, and Robert L. Gallucci, *Going Critical: The First North Korean Nuclear Crisis* (Washington, DC: Brookings Institution Press, 2004), p. 244.

⁷ Hwang Il-do, “Bug Jangsajeongpo: Alryeojiji anhneun Daseos gaji Jinsil” [North Korea’s Long-Range Artillery: Five Unknown Facts], *Sindong-a*, December 2004, http://www.donga.com/docs/magazine/shin/2004/11/23/200411230500004/200411230500004_1.html; Yu Yong Won, “Sudogwon-eul Sajeonggeori An-e Neohgo Issneun Bughan-ui Dayeonjang Rokes Mich Jajupo Yeongu” [Study on North Korean MRL and Self-Propelled Artillery that Put Seoul Metropolitan Area within their Range], *Wolgan Chosun*, March 2001, http://monthly.chosun.com/html/200102/200102280011_1.html.

since 1994 due to the deployment of more than 100 Rodong missiles capable of striking most of Japanese territory, in addition to over 500 Scud missiles targeted at South Korea. By now, not only South Korea but also Japan has become a hostage to North Korean missile attack. Moreover, North Korea has reportedly flight-tested new solid-fuel mobile ballistic missiles based on the Soviet SS-21 Scarab in May 2005 and March 2006.⁸ There was also a report that North Korea might have acquired 3,000-kilometer-range Kh-55 cruise missile technologies from Ukraine via Iran.⁹

Finally, although nuclear weapons did not play an important role as a deterrent in the first nuclear crisis, it has become a more important factor since then. In 1994 North Korea's nuclear weapons, even if they existed, had not been tested. North Korea's nuclear deterrent was simply not credible in 1994.

This situation has changed. In 2006 there were 33-55 kilograms of separated plutonium (6-13 bombs equivalent). Moreover, the nuclear device has been tested at least once. The credibility of North Korea's nuclear deterrent has definitely improved since 1994, although its ability to load nuclear devices on top of ballistic missiles is still questionable.

In addition, North Korea's declaratory policy has changed. In June 2003 North Korea for the first time publicly discussed the possession of "nuclear deterrent force" as a policy option.¹⁰ In February 2005, North Korea announced that it had "manufactured" nuclear weapons "for self-defence to cope with the Bush administration's evermore undisguised policy to isolate and stifle the DPRK [Democratic People's Republic of Korea]."¹¹

⁸ Center for Nonproliferation Studies, Monterey Institute of International Studies, *CNS Special Report on North Korean Ballistic Missile Capabilities*, March 22, 2006, p. 3.

⁹ *Sankei Shimbun*, June 26, 2005, p. 1.

¹⁰ "KCNA on DPRK's nuclear deterrent force," *KCNA*, June 9, 2003.

¹¹ "DPRK FM on Its Stand to Suspend Its Participation in Six-Party Talks for Indefi-

One thing has not changed, however. North Korea will not be able to get away with using nuclear weapons. The fact remains that using nuclear weapons would result in the end of the North Korean state. In this sense, North Korea's nuclear deterrent is credible only in the extreme scenario in which the United States blatantly invades the country and threatens its regime survival. Nuclear deterrence would be less credible in the face of more limited use or threat of force.

Duration

The critical part of the first nuclear crisis lasted for one year and seven months, between March 1993 and October 1994. In March 1993, when North Korea announced its withdrawal from the NPT, it came as a total surprise. Given the sophisticated and systematic conduct of the military-diplomatic campaigns during the 1993-1994 period, it seems likely that North Korea had already prepared a concrete game plan for its nuclear diplomacy by the time it announced its withdrawal from the NPT in March 1993. The crisis was concluded in October 1994 with the signing of the Agreed Framework.

The second nuclear crisis lasted for at least four years and one month between January 2003 and February 2007. In January 2003 North Korea again announced its withdrawal from the NPT. Since then, North Korea has played more or less the same game as in the 1993-1994 period. The crisis was at least tentatively concluded with the signing of the Action Plan. The second nuclear crisis, therefore, has lasted much longer than the first, and might be reignited in the future.

The timing of the commencement of the nuclear diplomacy was not entirely of North Korea's own choosing. By March 1993, North Korea had already been under international pressure to accept nuclear inspections for some time. Moreover, the decision to withdraw from

nite Period," *KCNA*, February 10, 2005.

the NPT was made immediately after the International Atomic Energy Agency (IAEA) demanded North Korea to accept special inspections and the Team Spirit military exercise began. In 2003, North Korea decided to withdraw from the NPT after the United States revealed North Korea's covert uranium enrichment program. In both cases, North Korea was, at least from its perspective, forced to take strong action in the face of international pressure.

Moreover, when North Korea conducted missiles and nuclear tests, it really took a chance. The North Korean leadership did not know exactly what would happen when they made the decision to go ahead. In fact, the Taepodong 2 flight test disastrously failed in July 2006, and the nuclear test in October 2006 was really a half success and a half failure.

Modalities

North Korea's nuclear diplomacy did not involve actual application of force in both cases, only the demonstrations of force combined with verbal coercion such as the declaration of a "state of readiness for war."

What is particularly noteworthy of the two nuclear crises was the fact that no actual use of force took place during the period and no casualties or physical damages were done to the US-ROK side. This was a departure from the 1980s when a large number of casualties, particularly on the South Korean side, were inflicted by North Korean terrorist actions.

Although verbal threats were made against the United States, no real military threat was made against it probably for the following reasons. First, North Korea was not able to pose a direct military threat against the continental United States since it was simply too far away. Second, in order to normalize relations with the United States, it was better to avoid actually attacking Americans.

Level of Military-Diplomatic Coordination

The 1993-1994 nuclear diplomacy was the first, long, complex, and sophisticated military-diplomatic campaign conducted by North Korea. Although North Korea had used force for diplomatic purposes even before 1993, the past experiences were nowhere near the nuclear diplomacy of 1993-1994 in terms of complexity and level of sophistication. Military actions and diplomatic moves were extremely well orchestrated. And it was also true in the second nuclear crisis.

Among the different actors, the Ministry of Foreign Affairs (MFA) took the lead, and in particular Vice Foreign Minister Kang Sok Ju was the key person. The Ministry of People's Armed Forces (MPAF) and the Korean People's Army (KPA) played supporting roles by backing verbal threats issued by the MFA with words and actions. The General Bureau of Atomic Energy seemed to have provided technical support to the MFA. Significant knowledge of legal and technological issues related to the nuclear issues was demonstrated in the process, suggesting that the different organizations within the North Korean government were working closely together.

Conduct of a coherent and systematic military-diplomatic campaign seemed to have been made possible partly by the highly centralized decision-making system in which the most important governmental organizations like the MFA and the MPAF reported directly to Kim Il Sung and Kim Jong Il without going through the Central Committee of the Workers' Party of Korea.¹²

¹² Ko Yeong Hwan, "Bughan Woegyo Jeongchaeg Gyeoljeonggigu mich Gwajeong-e Gwanhan Yeongu: Bughan-ui Dae-Jungdong/Apeurika Woegyo-reul Jungsimeuro" [A Study on North Korea's Foreign Policy Decision-Making Organizations and Processes: Focusing on North Korea's Foreign Policy towards Middle East and Africa], Master's Thesis, Kyunghee University, Seoul, August 2000, p. 23.

US Reaction

The new features in the second nuclear crisis discussed above came mainly from the North Korean side. However, the most significant difference between the two crises did not come from the North Korean side, but from the side of the United States.

In the first crisis, the United States decided to use bilateral engagement as a means of resolving the nuclear problem. The US-DPRK bilateral talks started in June 1993, approximately three months after the onset of the crisis. Moreover, the most important US policy objective was to stop nuclear proliferation, and not seek regime change in North Korea. In the second crisis, the United States called for multilateral talks from the beginning and attempted to outsource to China the mission of solving the nuclear issue. Also, hardliners in the US government seem to have seriously sought regime change in North Korea.¹³ Other less hardline “hawk engagers” attempted to force North Korea to make a “strategic decision” to completely dismantle its nuclear programs in a short period of time. Moreover, the US policy toward North Korea seems to have been significantly affected by the developments in Iraq and Iran.

It was only recently that the United States changed its stance and decided to sign on to the soft engagement policy. With this, the United States has become more engaged with North Korea diplomatically. However, it really meant that the US commitment to North Korea policy has diminished in the sense that the US policy objectives regarding North Korea have become much more limited. Now, the US policy toward North Korea is about trying to achieve minimum attainable outcome with minimum necessary commitment.

¹³Yoichi Funabashi, *Za Peninshura Kuesuchon: Chousenhantou Dainiji Kakukiki* [The Peninsula Question: The Second Nuclear Crisis on the Korean Peninsula] (Japanese) (Tokyo: Asahi Shimbunsha, 2006) (English edition is forthcoming).

Assessing the Political Results

In order to assess the effectiveness of North Korea's nuclear diplomacy, we have to first identify North Korea's policy objectives. In the first nuclear crisis, North Korea presented a list of demands entitled, "Solution of the Nuclear Issue: Factors to be Considered," to the US side on October 12, 1993. According to the list, North Korea demanded that the United States fulfill the following requirements: conclusion of a peace agreement (or treaty) that includes legally binding assurances to the DPRK against the threat or use of nuclear weapons; provision of light-water reactors (LWRs); complete normalization of diplomatic relations between the DPRK and the United States to insure respect for each other's sovereignty and non-interference in each other's internal affairs; and US promise to take balanced policies toward North and South Korea for the purpose of peaceful reunification.¹⁴

It is quite significant that North Korea proposed these items, all but one of which were to be included in the Agreed Framework, as early as October 1993. This fact indicated that North Korea had clearly envisaged what it wanted to achieve through its nuclear diplomacy at a relatively early stage in the process.

Despite its provocative actions including the October 2006 nuclear test, North Korea's policy objectives seem to remain the same as those in 1994. North Korea is still seeking to ensure regime survival by improving relations with the United States and Japan. In October 2002, North Korea officially clarified that it was ready to seek a negotiated settlement of the nuclear issue on the condition that the United States recognize the DPRK's sovereignty (non-interference with internal affairs), assure the DPRK of nonaggression, and not

¹⁴C. Kenneth Quinones, *Kitachousen: Bei-Kokumushou Tantoukan-no Koushou Hiroku* [North Korea's Nuclear Threat "Off the Record" Memories] (Tokyo: Choukoukouronsha, 2000), p. 259.

hinder the DPRK's economic development. At US-China-North Korea tripartite talks held in Beijing in April 2003, North Korea came up with a "proposal for a package solution to the nuclear issue and the order of simultaneous actions." At the Six-Party Talks held in August 2003, also, North Korea restated the same proposal, and made the contents public.

According to the proposal, the United States was to conclude a nonaggression treaty with North Korea, establish diplomatic relations with it, guarantee economic cooperation between the DPRK and Japan, and between the two Koreas, and compensate for the loss of electricity caused by the delayed provision of LWRs and complete their construction. In return, North Korea will allow nuclear inspections and not make nuclear weapons, finally dismantle its nuclear facilities, and put on ice the test-firing of missiles and stop their export. These actions would be taken simultaneously in four stages. First, the United States will resume the supply of heavy fuel oil and sharply increase humanitarian food aid, and North Korea will declare its intention to scrap its nuclear program. Second, when the United States concludes a nonaggression treaty with the DPRK and compensates for the loss of electricity, North Korea will refreeze its nuclear facilities and nuclear substances, and allow monitoring and inspection of such facilities and substances. Third, when diplomatic relations are established between the United States and the DPRK, and between Japan and the DPRK, North Korea will settle the missile issue. Finally, when the LWRs are completed, North Korea will dismantle its nuclear facilities.

In short, the core elements of its policy objectives—non-use of force against it, the supply of energy, and the normalization of diplomatic relations with the United States—have not changed since 1994. Now we will undertake to find out similarities and differences between the Agreed Framework and the Action Plan.

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Table 1. Comparison of the Agreed Framework and the February 13 Action Plan Timetables

Timetable	Agreed Framework		February 13 Action Plan	
	North Korea	US & Others	North Korea	US & Others
T+0 or ASAP	US-NK experts talks on alternative energy and LWRs, and arrangements for spent fuel storage and ultimate disposition <i>Remain a party to NPT, and allow implementation of safeguards agreement (SA)</i>	Contract talks for LWR begins Provide formal negative nuclear security assurances to NK		
	Allow IAEA to monitor the freeze			
T+1 month or 30 days	<i>Freeze on graphite moderated reactors and related facilities implemented</i>		Working Groups (WG) on 5 subjects incl. "Northeast Asia Peace and Security Mechanism" meet	
				Parties hold the 6 th Round of the Six-Party Talks on March 19, 2007.
T+60 days			<i>Shut down and seal Yongbyon nuclear facility</i>	US & NK start bilateral talks for resolving pending bilateral issues and moving toward full diplomatic relations.

Timetable	Agreed Framework		February 13 Action Plan	
	North Korea	US & Others	North Korea	US & Others
			<p>Invite back IAEA personnel to conduct all necessary monitoring and verifications</p> <p>Discuss a list of all its nuclear programs, including plutonium extracted from used fuel rods</p>	<p>US will begin the process of removing the designation of NK as a state sponsor of terrorism and advance the process of terminating the application of the Trading with the Enemy Act.</p> <p>Japan & NK start bilateral talks aimed at normalization.</p> <p><i>Provision of assistance equivalent to 50,000 tons of HFO commences</i></p>
T+3 months		<p>500,000 tons of HFO to NK annually begin (until the completion of the first LWR unit).</p> <p>US & NK reduce barriers to trade and investment.</p>		
	<p>Inspections for the continuity of safeguards will continue at the facilities not subject to the freeze.</p>			

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Timetable	Agreed Framework		February 13 Action Plan	
	North Korea	US & Others	North Korea	US & Others
Upon conclusion of the supply contract	Ad hoc and routine inspections will resume at the facilities not subject to the freeze.			
Once the initial actions are implemented.				Six Parties hold a ministerial meeting.
T+6 months		Conclude a supply contract for LWR		
During the LWR construction	<i>Store spent fuel, and dispose of the fuel</i>			
When a significant portion of the LWR project is completed, but before delivery of key nuclear components	Come into full compliance with SA			
T+9 years	<i>Dismantle graphite moderated reactors and related facilities</i>	LWR (2,000 MW(e)) by 2003		
Not specified	Take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula	US-NK agreement for cooperation in peaceful uses of nuclear energy	Provide a complete declaration of all nuclear programs, and disable all existing nuclear facilities	<i>Provide assistance equivalent of 1 million tons of HFO (incl. the initial shipment equivalent to 50,000 tons of HFO)</i>

Timetable	Agreed Framework		February 13 Action Plan	
	North Korea	US & Others	North Korea	US & Others
	Engage in North-South dialogue	<p>US & NK open a liaison office in the other's capital.</p> <p>US & NK upgrade bilateral relations to the Ambassadorial level.</p> <p>US & NK move toward full normalization of political and economic relations.</p>		The directly related parties will negotiate a permanent peace regime on the Korean peninsula.

^{1.28} Italics are critical elements in these documents.

Provision of Light-Water Reactors and Heavy Oil

In the Agreed Framework, the United States pledged to “undertake to make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000MW(e) by a target date of 2003.” In March 1995, the Korean Peninsula Energy Development Organization (KEDO) was established according to the provision in the Agreed Framework. KEDO was set to build two 1,000MW LWRs in Kumho on the east coast of North Korea. KEDO held a groundbreaking ceremony in August 1997. The turnkey contract went into effect in February 2000.¹⁵

Related to the provision of the LWRs was the provision of alternative energy. According to the Agreed Framework, heavy oil for heating and electricity production would be provided to North Korea. In 1995, the United States provided 50,000 tons of heavy oil to North Korea. After that the United States provided 500,000 tons of heavy oil annually, though with delays in 1997 and 1998.¹⁶

However, in light of North Korea's acknowledgement in October 2002 that it had a uranium enrichment program,¹⁷ the KEDO Executive Board decided in the following month that delivery of heavy fuel oil would be suspended and that future shipments would be dictated by North Korea's willingness to dismantle the program.¹⁸ In May 2006, the Executive Board of KEDO decided to terminate the LWR project.

Based on the Agreed Framework, North Korea was to receive the LWRs and the heavy fuel oil, but at considerable cost. North Korea

¹⁵For details of KEDO activities, see KEDO homepage at <http://www.kedo.org>.

¹⁶David Albright and Kevin O'Neill (eds.), *Solving the North Korean Nuclear Puzzle* (Washington, DC: The Institute for Science and International Security, 2000), pp. 32-39 and pp. 42-44.

¹⁷“North Korean Nuclear Program,” Press Statement, Richard Boucher, Spokesman, US Department of State, Washington, DC, October 16, 2002.

¹⁸“KEDO Executive Board Meeting Concludes,” *KEDO News*, November 14, 2002.

agreed to give up its plutonium program. In exchange for the acquisition of the LWRs, North Korea froze its graphite-moderated reactors and related reprocessing facilities, and would have to dismantle them when “a significant portion of the LWR project is completed, but before delivery of key nuclear components.”

The Action Plan has two phases - the 60-day initial phase and the open-ended “next” phase. In the initial stage, North Korea will “shut down and seal” the Yongbyon nuclear facility, including the reprocessing facility, and invite back IAEA personnel to conduct monitoring and verifications within 60 days. In return, the other parties of the talks will provide emergency energy assistance equivalent to 50,000 tons of heavy fuel oil (HFO) to North Korea. In the next phase, North Korea will provide a complete declaration of all nuclear programs and disable all existing nuclear facilities. In return, the other parties will provide economic, energy and humanitarian assistance up to the equivalent of 950,000 tons of HFO. However, the timing and the details of the nuclear “disablement” and the provision of assistance are not specified, making it likely that the parties will disagree over how to interpret the words in the Action Plan.

Peace Agreement and Security Assurances

North Korea first proposed the conclusion of a peace agreement bilaterally with the United States in 1974. It then proposed in 1984 the conclusion of a peace agreement with the United States concurrently with the conclusion of a nonaggression agreement with South Korea. In 1992 North Korea pledged to “endeavor to transform the present state of armistice into a firm state of peace” between the two Koreas in the North-South Basic Agreement. Then, North Korea started again in 1993 to call on the United States to bilaterally conclude a peace agreement on the basis that a “nonaggression agreement” had already been concluded with South Korea under the

name of the Basic Agreement.

In the Agreed Framework, the United States did not accept even the mention of a peace agreement. North Korea's renewed effort to pursue the conclusion of a peace agreement with the United States was not successful. Instead, North Korea obtained "formal assurances" against the threat or use of nuclear weapons by the United States. The North Koreans regarded this provision as highly important. When they proposed the conclusion of "nonaggression treaty" with the United States in October 2002, they reiterated the American obligation to "give formal assurances to the DPRK against the threat or use of nuclear weapons."¹⁹ The North Koreans seemed to have been concerned about a March 2002 media report of the US decision to consider developing earth-penetrating nuclear weapons to be used against nations armed with weapons of mass destruction, including North Korea.²⁰

The Action Plan combined with its base document - the September 19 Joint Statement - marked two steps forward for North Korea. First, in the Joint Statement, the United States affirmed "it has no nuclear weapons on the Korean peninsula and has no intention to attack or invade the DPRK with nuclear or conventional weapons." This was one big step forward for North Korea since the Agreed Framework provided negative "nuclear" security assurances only, and did not provide "conventional" security assurances. Second, the Joint Statement called for the "directly related parties" to negotiate a "permanent peace regime" on the Korean peninsula, and the Action Plan used the same expression. Indeed this is an open-ended commitment without any target date, and the nature of the "permanent peace regime" may not necessarily be what the North Koreans have

¹⁹"Conclusion of nonaggression treaty between DPRK and US called for," *KCNA*, October 25, 2002.

²⁰Michael R. Gordon, "US Nuclear Plan Sees New Targets and New Weapons," *New York Times*, March 10, 2002.

been calling for. But it is at least more likely than before that the parties can create a new peace regime, through which North Korea would have a better chance of normalizing relations with the United States.

Normalization of Relations with the United States

The Agreed Framework provided that the United States and the DPRK would “move toward full normalization of political and economic relations.” On this point, the Agreed Framework discussed reduction in barriers to trade and investment, opening of liaison offices in each other’s capital, and upgrading of bilateral relations to the Ambassadorial level.

The Action Plan provided that the United States and North Korea would start bilateral talks toward full diplomatic relations in the initial phase. Moreover, the United States promised that it would begin the “process of removing the designation of the DPRK as a state-sponsor of terrorism” and advance the “process of terminating the application of the Trading with the Enemy Act” with respect to the DPRK.” Again, this is an open-ended commitment on the part of the United States. However, given the fact that unless North Korea is removed from the list of state sponsors of terrorism, substantial improvement in US-DPRK relations would be legally impossible, and the beginning of these processes was important for North Korea.

What was Achieved and What was Not?

What can we say about the policy objectives that the North Koreans spelt out in the two crises and what they obtained in the two different agreements? In October 1994, North Korea obtained one solid “yes” and two half “yes” to their stated goals. In the Agreed Framework, the United States pledged to provide North Korea with LWRs, offered assurances against the threat or use of nuclear

weapons, and gave general agreement for normalization of diplomatic relations between the two countries. However, it did not agree to conclude peace agreement (or treaty) with North Korea, achieve complete normalization of diplomatic relations and “insure respect for each other’s sovereignty and non-interference in each other’s internal affairs,” or take balanced policies toward North and South Korea.

In September 2005 and February 2006, North Korea obtained half “yes” to three of the demands that it made in October 2002. The United States did not conclude a nonaggression treaty with North Korea, but it affirmed that it had no intention to attack or invade the DPRK with nuclear or conventional weapons. The United States did not decide to establish diplomatic relations with North Korea, but it pledged to start bilateral talks with North Korea aimed at moving toward full diplomatic relations, and begin the necessary process to that end. The United States did not guarantee economic cooperation between North Korea and Japan, and between the two Koreas, nor did it promise to compensate for the “loss of electricity” caused by the delayed provision of LWRs and complete their construction. The United States together with other parties promised to provide assistance equivalent to 50,000 tons of HFO within a relatively short period of time and another 950,000 tons of HFO equivalent in the long run.

Conclusion

Given the comparison between the Agreed Framework and the Action Plan, we can draw several preliminary conclusions. First, the Action Plan has smaller substantive ingredients than the Agreed Framework. With regard to North Korea’s nuclear facilities, both agreements are expected to do more or less the same: freeze them. However, the Action Plan has no specific target date for eventual

dismantlement (or disablement) of the nuclear facilities on the one hand, and on the other hand, North Korea is not getting nearly as much real material benefit in return as in the past. The Agreed Framework offered North Korea annual provision of 500,000 tons of HFO for about nine years, which would have amounted to 4.5 million tons of HFO. The Action Plan pledged only 1 million, and even that without specific timeframe. The Joint Statement mentioned the possible provision of LWRs to North Korea, but this idea was dropped in the Action Plan. In a way, this disadvantage to North Korea was offset by the fact that its nuclear development is more advanced now than 12 years ago. North Korea had the potential capacity for one or two nuclear devices in 1994. Now it has the potential capacity for 6-13 bombs. There was no provision on the canning of the spent fuel in the Action Plan because it was no longer an option.

Second, the Action Plan has some largely symbolic but potentially more important new elements than the Agreed Framework. While the Agreed Framework provided North Korea with negative nuclear security assurances, the Joint Statement provided more comprehensive security assurances. Although the Action Plan did not talk about technical issues such as reduction in barriers to trade and investment, and the opening of liaison offices as in the Agreed Framework, it addressed more important issues of eliminating legal obstacles for US-DPRK normalization. It also called for establishing a “permanent peace regime,” which in the long run might pave the way for the US-DPRK normalization. Moreover, in the Action Plan, Japan and North Korea agreed to start normalization talks even though the short-term prospect for positive development is not very good.

Third, the Action Plan is a more open-ended commitment than the Agreed Framework. The target date of 2003 in the Agreed Framework was not a binding provision. But the Agreed Framework at least had a target date. The Agreed Framework had more deadlines and target dates than the Action Plan. The Agreed Framework had

“[a]s soon as possible after the date of this document,” “within one month,” “within three months,” “[u]pon conclusion of the supply contract,” “within six months,” “[d]uring the LWR construction,” “[w]hen a significant portion of the LWR project is completed, but before delivery of key nuclear components,” and “a target date of 2003.” The Action Plan had only “March 19, 2007,” “within next 30 days,” “within next 60 days,” and the open-ended “next phase.”

Finally, the Action Plan has a larger number of signatories. While the Agreed Framework was a bilateral document signed by the United States and North Korea, six countries signed the Action Plan. This is significant because, at least theoretically, more countries are directly committed to the document and, therefore, more obliged to share burden. It means that there will be a number of different ways of sharing the burden in implementing the Plan. For now, what is most likely is that while the United States and Japan will shoulder less material and financial burden than under the Agreed Framework, China and Russia will be asked to do more. And South Korea is willing to play at least as important a role as it did under the Agreed Framework.