The North Korean Nuclear Deal

By HENRY SOKOLSKI
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In an effort to keep the diplomatic ball airborne in Beijing for at least one more round of talks, the U.S. conceded a good number of things to Pyongyang to secure its commitment to dismantle its nuclear program. Most of these concessions and commitments are vague but one -- to "respect" North Korea's "right to peaceful uses of nuclear energy" including, possible provision of a multi-billion dollar light-water reactor -- is all too clear.

Certainly, if "respect" is paid to such a blatant proliferator without it first undergoing the regime-like changes needed to assure its sincere eagerness to disarm, U.S. and allied efforts to restrict other nuclear cheaters, like Iran, risk being rendered all but meaningless. This hazard is only likely to grow unless the U.S. and its friends clarify what they have so far chosen to confuse -- what truly "peaceful" nuclear energy entails.

In Monday's joint statement, Pyongyang got the U.S. -- along with China, Japan, South Korea and Russia -- to "respect" its "sovereignty and "right to peaceful uses of nuclear energy." It also secured the commitment of the negotiating parties to provide Pyongyang with "economic cooperation" in the fields of trade and investment" and to "discuss at the appropriate time the subject of the provision of a light-water reactor to the DPRK."

Much remains to be clarified. First, what exactly must Pyongyang dismantle and how? The U.S. insists it must eliminate its nuclear arsenal and entire nuclear program, including a covert uranium-enrichment program. Although no less an authority than Pakistan's President Musharraf has publicly testified to its existence, it remains unclear exactly where this covert program is sited. Capitalizing on this, North Korean officials have denied that any such program exists, knowing full well that neither U.S. intelligence nor the International Atomic Energy Agency (IAEA) have effective technical means to pinpoint covert uranium centrifuge-enrichment plants. They also appreciate how dependent any intelligence is on human sources that the U.S. would be loath to jeopardize.

This brings us to how the deal should be implemented. U.S. chief negotiator Chris Hill insists Pyongyang should act first by shutting down its known nuclear facilities at Yongbyon. The U.S. would only consider providing Pyongyang with a light-water reactor after North Korea gives up its nuclear program and weapons arsenal, allows international nuclear inspectors full access to its nuclear sites, and rejoins the Nuclear Non-Proliferation Treaty. Pyongyang has a different view. As its official news service made clear on Tuesday, "The U.S. should not even dream of the issue of dismantlement of [Pyongyang's] nuclear deterrent before providing" North Korea with a light-water reactor.
America's ace in the hole, reporters in Washington were told, was that the U.S. got the Chinese, Japanese, South Koreans, and Russians to back its position on the provision of a light-water reactor. Yet, shortly after the deal's announcement, Russia's Federal Atomic Energy Agency chief Alexander Rumyantsev, offered to build the reactors for Pyongyang emphasizing how "the energy shortage in North Korea," made it imperative to "act quickly." South Korean President Roh Moo Hyun, meanwhile, told reporters in Seoul that he saw his role to be one of "mediating" to bring the U.S. closer to the North Korea view as when the reactors should be built.

On these points, Mr. Roh and Mr. Rumyantsev can hardly be blamed for being off target. The deal, after all, explicitly concedes that North Korea has the right to "peaceful uses of nuclear energy," and, "at an appropriate time," discussions on the provision of a light-water reactor.

America's support for these provisions should be alarming. As one Indian security analyst noted, "Why should India penalize Iran -- an NPT member with a safeguarded, overt civilian nuclear facilities -- by backing its referral to the United Nations Security Council, if Washington is willing to confirm the peaceful nuclear rights of a nuclear-armed NPT violator who has a covert weapons enrichment program that it denies exists?"

A fair question. North Korea has even less of an economic or technical case for building a large power reactor than Iran. North Korea's electrical grid can hardly handle the two gigawatts it is already generating. Trying to add another gigawatt or more to this grid would effectively fry it to a crisp, raising safety issues not only for North Korea's electrical system, but for the nuclear power plant. The economics of building a new reactor make even less sense than attempting to do so in the U.S. where heavy federal subsidies and government guarantees are crucial.

Then, there is the risk Pyongyang might use these reactors to make bombs. As Ambassador Hill and U.S. Secretary of State Condoleezza Rice have repeatedly suggested, large light-water reactors of the sort North Korea is demanding produce prodigious quantities of weapons-usable plutonium. A detailed study my center completed last year explained how a country could divert spent or fresh fuel from a light-water reactor to a small, hidden reprocessing or enrichment facility without international inspectors finding out in time to prevent the material being made into bombs. The reactor's fresh fuel could reduce the level of effort needed to make bomb-grade uranium five-fold while, after operating the reactor for 12 to 15 months, a country could have enough near weapons-grade plutonium to make 50 to 75 reliable nuclear bombs. Given these facts, it is hard to see why North Korea, which never paid any price for violating and withdrawing from the NPT and then making bombs should retain the right to operate such reactors.

Is there any way to prevent such diplomatic fallout? Yes, but only if we are much clearer about how limited the NPT's right to "peaceful" nuclear energy is. A good place to start is the next round of six-party talks planned for November. In anticipation of these talks, U.S. and allied officials should:

- **Insist that North Korea do more than merely let IAEA inspectors in.**

The IAEA as well as the CIA, have repeatedly misjudged (or simply missed) other countries' nuclear-weapons programs. South Africa, Libya, Ukraine, Argentina and Brazil proved they were getting out the bomb-making business by exposing their nuclear programs as part of a
larger effort to open their governments up more generally to greater transparency and self-rule. If the U.S. is serious about securing true nonproliferation, it should demand no less of Pyongyang.

• **Prevent Pyongyang from becoming a model for other proliferators.**

The current North Korean regime is unlikely ever to surrender all of its nuclear-weapons capacity. The most the U.S. can realistically aim for is to discourage other would-be bomb makers from following its example. To do this, it needs to make it clear that the minimum price for violating and breaking out of the NPT is a halt to international cooperation until the Security Council can unanimously revalidate that country’s nonproliferation credentials. As for a states’ right to “peaceful” nuclear energy, it is neither absolute nor does it guarantee any nation a per se right to any specific nuclear technology. Access to large plants that make or process weapons useable materials should depend not only on the technical ability of nuclear inspectors to detect military diversion from them well before any bombs are made, but on their operation generating an economic benefit clear enough to attract honest private investment. Finally, unless the IAEA's Board of Governors can all agree that a given nation neither harbors the desire or the ability to reprocess or enrich fresh or spent reactor fuel to make bombs, large reactors should be considered to be off limits (yes, that would include Iran).

• **Publicly clarify the limits to the IAEA’s nuclear-inspection system.**

The IAEA cannot prevent the quick diversion of separated plutonium or highly enriched uranium to make bombs. Nor can it set off timely alarms against the diversion of declared enrichment and reprocessing plants to make bombs. It certainly cannot be counted on to find covert fuel-making plants or actual nuclear bombs. On the other hand, much more can and should be done to enhance the IAEA’s ability to monitor nuclear activities at power reactor sites in countries, that unlike North Korea, understand what “peaceful” nuclear energy is about.

Will making these clarifications keep the diplomatic banter on North Korea safe? It’s unclear. What’s clear, however, is how critical it is to promote true nonproliferation not just on the Korean peninsula, but beyond.

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