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North Korea's Nuclear Program and Six Party Talks

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In the early 1990s, the nuclear crisis on the Korean Peninsula seemed to be resolved by the diplomatic way. Former US president Jimmy Carter's visit to DPRK (Democratic People's Republic of Korea; North Korea) and his deal with North Korea managed to extract a promise from Kim Jeong Il to freeze nuclear production.¹ However, the Agreed Framework, signed on October 21, 1994, proved to be a "bread and circuses" lasting not long, less than a decade. On October 4, 2002, the authority in Pyongyang acknowledged that North Korea's nuclear-weapons development program had been proceeded and was under construction. That was the moment of a new (the second) phase of North Korean nuclear crisis and the "brinkmanship" became their supreme doctrine covering all the fields of the state's affairs, such as diplomacy, national defence, and even economic policies.

Aiming at persuading North Korea to abandon its nuclear program in return for economic and diplomatic rewards, the six-party (comprised the United States, the two Koreas, China, Japan and Russia) talks had been initiated in 2003, and through tough bargaining for three years, the representatives managed to draw the principles to resolve the second crisis on September 2005.² However, the nuclear issue is still active. The agreed principles of "word for word," "action for action," and "compensation for freeze"³ often met some unexpected variables and face strong challenges ahead from North Korea as well.

1. Toward the convergence of "commitment for commitment, action for action"

¹ According to Geneva Agreed Framework, North Korea promised to stop the activities of nuclear reactors producing plutonium. In return, US guaranteed a relaxation of economic sanctions, a gradual normalization of diplomatic relations, heavy fuel oil deliveries, and construction of a light-water reactor to replace the graphite-moderated reactor. See. Ha, Eunyoung. "The US-North Korea Geneva Agreement." Paper presented at the annual meeting of The Midwest Political Science Association, April 20-23, 2006. Palmer House Hilton, Chicago. See also. Larry Niksch, CRS (Congressional Research Service) Report RL33590, *North Korea's Nuclear Weapons Development and Diplomacy*, October 5, 2006.

² *Joint Statement of the Fourth Round of the Six-Party Talks*, released in Beijing on September 19, 2005 by the Ministry of Foreign Affairs of the People's Republic of China. The main contents of the statement are to be summarized: 1) peaceful denuclearization of the Korean Peninsula; 2) North Korea's abandonment its nuclear weapons programs; 3) North Korea's returning to the Nuclear Non-Proliferation Treaty (NPT); 4) North Korea's allowing the International Atomic Energy Agency (IAEA) safeguards; and 5) economic and diplomatic incentives for North Korea as the compensation for fulfillment of the aforementioned conditions. Full text of the Joint Statement can be found at http://www.mofat.go.kr/mofat/mk_a008/mk_b083/mk_c163/1190664_5281.html.

³ Paik, Haksoon. "North Korean Nuclear Crisis: Problems, Positions, and Options". [in:] *Sejong Policy Research Journal*. 2005. Vol. 1. No. 2. p. 170.

1.1. Origin of the second crisis

The emergence of the second nuclear crisis could be traced back to the hard line of the Republican George W. Bush administration, inaugurated in January 2001, towards the “world terrorist states”. In his State of the Union speech on January 29 2002, president Bush labelled North Korea an “axis of evil” along with Iran and Iraq.⁴ Sooner or later in June 2002, Bush administration had the information of the CIA report that North Korea and Pakistan had cooperated in nuclear weapons development since 1997. The report announced that North Korea acquired scientific data and samples for nuclear bombs in return for offering missile technology to Pakistan.⁵ Before long – around August, U.S. intelligence agencies reached the interim conclusion of North Korea’s considerable progress in highly enriched uranium (HEU) for nuclear weapons development. Moreover, the CIA submitted to Congress an assessment that North Korea had begun to manufacture a large-scale since 2001. According to the assessment, the project still is in progress as to generate HEU which is sufficient to produce two or more uranium nuclear bomb a year by around 2005.⁶

The suspicion from North Korea stimulates US authority to send senior officials to Pyongyang in October 03 2002. James Kelly – U.S. Assistant Secretary of State, heading the delegate, made inquiries about the treatment of uranium enrichment – the existence of a HEU program. On the next day, Kang Seok Ju – the Vice Foreign Minister of North Korea – gave him a reply with strong indications about the uranium enrichment program.⁷ It seemed that North Korea had opted for admitting its development of nuclear weapons and using it as a negotiation card with the United States.

After the delegates were back, the judgment criterion of US administration on the matter had changed from the “probable suspicion” into conviction. In the final analysis, US Department of State announced that North Korea has admitted to a secret programme to develop nuclear weapons using uranium in Daily Press Briefing on October 17.⁸ In response

⁴ ...“Our second goal is to prevent regimes that sponsor terror from threatening America or our friends and allies with weapons of mass destruction” [...] “North Korea is a regime arming with missiles and weapons of mass destruction, while starving its citizens. Iran aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people’s hope for freedom. Iraq continues to flaunt its hostility toward America and to support terror”... “States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world”... <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>.

⁵ Nicksch, A. Larry. 2002. “North Korea’s Nuclear Weapons Program.” *Issue Brief for Congress*. Congressional Research Service, November 27.

⁶ McGoldrick, Fred. 2003. “The DPRK Enrichment Program: A Freeze and Beyond.” [in:] *Policy Forum Online*. Nautilus Institute. January 10.

⁷ Kang did not directly (officially) admitted to the matter, but his reply was enough to analogize the existence of the program. ... Former U.S. ambassador in Seoul Donald Gregg met Kang Sok-ju on November 4 in Pyongyang. Asked about his talk with Kelly, Kang replies, “I did not know of the program (on uranium enrichment). We had to decide upon our response in a meeting of those who knew about the program. (To Kelly the next day) I replied that North Korea has a right to develop any weapon to counter U.S. threat.” Asked if Kim Jeong Il attended the meeting, Kang replied, “I leave it to your imagination.”... *Mainichi Shimbun*, February 24, 2003.

⁸ (Richard Boucher, the Spokesman says)... I think we have made clear that North Korea’s program to enrich uranium is a clear and serious violation of its previous commitments and obligations, not only to the International Atomic Energy Agency, to us under the Agreed Framework, also to the South Koreans and the

to this, on October 25 the North Korean Foreign Ministry spokesman announced that the North was ready to dispel U.S. security concerns if a non-aggression agreement was signed with Washington.⁹ It seemed that this is the beginning of North Korea's highly calculated "confession diplomacy" with nuclear weapons program and turned out to be long-terms of tug war with "brinkmanship". As a matter of fact, the following events accelerated the second nuclear crisis. On November 14, 2002 the board of directors of the Korean Peninsula Energy Development Organization (KEDO) declared its suspension of heavy-fuel oil deliveries to North Korea.

Against the decision, the North's following reactions was "chewing up not the carrots but the sticks." Before long, unfreezing the nuclear plant had been declared (12th Dec.) and the actions were actually executed. On 22nd December, the nuclear facilities were restarted to work and the IAEA inspection team members were expelled simultaneously. Moreover, the North's authority officially announced the withdrawal from NPT on January 10 2003.¹⁰ These series of events destined that neither US nor any other country got to be in position to get any reliable first-hand information on nuclear facilities in North Korea from then on. Likewise, it meant that there would be no way to prevent any North Korea's nuclear-related actions or activities. In this way, the Geneva Agreed Framework had come to an end and the second North Korean nuclear crisis has begun altering the old order on the issue.

1.2. From "bilateral" to "multilateral"

Faced on North Korea's provoking challenge, the IAEA Board of Governors adopted a resolution (6th January) and sent the issue to the UN Security Council on 12th February 2003. In response to that, (according to an US official) North Korea had reactivated its 5-megawatt nuclear reactor at *Yongbyon*. Though the North explained their difficult situation in electric power supply and peaceful purpose of electricity production with the nuclear facilities,¹¹ the restarting of the Radiochemical Laboratory meant that they may be in a position to develop nuclear weapons at any time sooner or later with the spent fuel rods.¹² As a matter of

Joint South-North Declaration, and, finally, to the world under the Nonproliferation Treaty... <http://www.globalsecurity.org/wmd/library/news/dprk/2002/dprk-021217-16081pf.htm>.

⁹ North Korea claimed that the United States intentionally misinterpreted its message, which should have been read: "the DPRK was entitled to possess not only nuclear weapons but any type of weapon more powerful than that so as to defend its sovereignty and right to existence from the ever-growing nuclear threat by the United States." Korean Central News Agency of DPRK (KCNA), October 25, 2002. North Korea said later that it had more powerful weapons, including single-hearted unity. *Korean Central News Agency*, August 29, 2003.

¹⁰ The full text of the statement is available at <http://www.dprkstudies.org/documents/2003%20-%20DPRK%20NPT%20Withdrawal.pdf>.

¹¹ "KCNA 'Detailed Report' Explains NPT Withdrawal". KCNA P'yongyang. January 22, 2003. <http://www.fas.org/nuke/guide/dprk/nuke/dprk012203.html> The original text (in Korean) is available at <http://www.kcna.co.jp/calendar/2003/01/01-22/2003-01-22-001.htm>.

¹² That is why plutonium – the core material for nuclear weapons production – is to be extracted from reprocessing of the spent fuel rods.

fact, the North had kept their strict adherence to the principle of one-on-one conversation with the United States to solve the problem since withdrawal from NPT on January.¹³

The “crisis strategy” of North Korea from the ends of 2002 seemed to be aimed at heightening Pyongyang’s negotiation power in dealing with Washington. The North passed careful judgment on global politics of subsequent Iraq War, initiated on 20th March. Namely, North Korea considered to acquire prior position in negotiation before the end of the War. The United States, on the other hand, wanted to prolong the issue by playing the time and internationalizing (Sending the issue to UN Security Council) the nuclear threats.

After a while, however, as Iraq War seemed to go toward the end with the fall of Baghdad (4th April), the North began to turn positively toward the multilateral talks.¹⁴ At that time, it was China that proposed both parties to settle for a compromise. At the meeting held in Beijing on April 23, 2003, North Korea proposed a step-by-step package formula. If the United States carried on the supplies of heavy oil, food aid and economic assistance, light water reactors and then North Korea would resolve American security concerns correspondingly. However, tripartite talks did not reach fruitful outcome mutually, because the United States would not settle for anything less than a “complete, verifiable, irreversible dismantling (CVID)” of North Korean nuclear weapons capabilities,¹⁵ which the North refused even to consider. Such a deep-rooted distrust seemed to result from the fact that the North proceeded with nuclear development despite the Geneva Agreed Framework which made the United States question the efficacy of bilateral talks.

Few months after the meeting, in the wake of the perceived U.S. military victory in Iraq and negative international reactions to North Korea’s restarting of the plutonium program and threats, the North Korean authority appeared anxious that they faced international isolation and much heavier U.S. pressure. Moreover, China’s Vice Foreign Minister Dai Binqua, reportedly conveyed China’s disapproval of the North’s nuclear program to North Korea for the first time. Under the circumstance, China volunteered to play a mediating role once again proposing the formula of direct talks within a multilateral framework.

The first two rounds of six-party talks – participated in by the two Koreas, Russia, Japan, China, and the United States – held in Beijing (August 27–29, 2003 and February 25–28, 2004) concentrated on HEU matter. However the meetings ended with no significant results but principled stand of peaceful resolution of the issue. At the talks, North Korea pro-

¹³ Meanwhile, North Korea maintained to insist the direct negotiations with the United States and demanded to sign a nonaggression treaty. “...No other country in the world community, except the United States, has singled the DPRK out as a member of an “axis of evil” and a target of a preemptive nuclear attack...” The North’s Ambassador to China Choe Jin-su’s remarks, *Associated Press*, January 31, 2003.

¹⁴ A spokesman for the Foreign Ministry DPRK said, ... “If the U.S. is ready to make a bold switchover in its (North) Korea policy for a settlement of the nuclear weapons issue, the Democratic People’s Republic of Korea will not stick to any particular dialogue format.”... 2003. Full text is available at <http://www.kcna.co.jp/item/2003/200304/news04/14.htm>.

¹⁵ See. Albright, David. “Verifiable, Irreversible, Cooperative Dismantlement of the DPRK’s Nuclear Weapons Program: Basic tasks and concepts,” Institute for Science and International Security, 13 January 2004.

posed a “four-stage package formula”¹⁶ – quite a reasonable in its own way, but the United States was not ready to lay out a concrete proposal.¹⁷

Though the first six-party talks ended without tangible achievement, the meeting enabled to make sense of remarkable stance difference between United States and North Korea. It is said to be a clash between “American Enterance” and “North Korean” standpoints.¹⁸ While the United States’ principle stood for the *Libya-type* based on North Korea’s abandoning its nuclear program first and then receiving compensation later <*sequential steps*>, the North strongly insisted on “freezing vs. compensation” <*simultaneous steps*>,¹⁹ closed to *Ukraina type*.

1.3. Looking for the negotiating points

In the third round of the talks (April 23–25, Beijing) United States and North Korea still sharply confronted each other, but some subtle changes had began to arise from both sides that the negotiation was seen to be possible.

On 28th June, spokesman for the North Korean Foreign Ministry issued the statement that the United States’ proposal was unacceptable,²⁰ but generally gave positive comments on the 3rd round of the six party talks as a positive step forward.²¹ Meanwhile, on July 15, 2004, James A. Kelly, the U.S. chief negotiator at the six-party talks, went over the main points on the nuclear resolution that “the DPRK would, as a first step, unilaterally com-

¹⁶ That is the so-called “package solution and simultaneous action” formula. The four stages are: 1) if the U.S. supplied heavy oil and drastically increased food assistance, North Korea would declare its intention to abandon its nuclear development program; 2) when the United States signed a nonaggression treaty and compensated for electricity loss from the delayed construction of light water reactors, North Korea would freeze its nuclear facilities and materials and permit monitoring and inspection; 3) if and when diplomatic relations were established with the United States and Japan, North Korea would resolve the missile issue; 4) North Korea would dismantle its nuclear facilities when the light water reactors were completely built. Ko, Byeongcheol, „The Six Party Talks – Tasks and Prospects.” [in:] *Report on Unification Strategy Forum*. Institute for Far Eastern Studies, Kyungnam University. No. 28. 2003, p. 4.

¹⁷ The frustration of the North was reflected in its statement that the head of U.S. delegation “only read the prepared script, showing no sincerity and giving no answers even to the questions raised.” *Korean Central News Agency*, February 29, 2004. Wang Yi, the Vice Minister of China, was quoted as saying that “the United States was the biggest obstacle to resolution of the problem.” ABC Radio Australia News. http://www.abc.net.au/asiapacific/news/GoAsiaPacificBNA_937819.htm.

¹⁸ Ko, Youwhan. “The North Korean nuclear issue depends on US and North Korean decision),” (*Daily Munwha*). March 01, 2004.

¹⁹ See. *Spokesman of DPRK Foreign Ministry on Issue of Resumption of Six-Way Talks*, December 9, 2003. <http://www.kcna.co.jp/item/2003/200312/news12/10.htm#2>.

²⁰ “...This time the U.S. side said that it would take note of the DPRK’s proposal for “reward for freeze” and seriously examine it. An agreement was reached on such issues as taking simultaneous actions on the principle of “words for words” and “action for action” and mainly discussing the issue of “reward for freeze”. This was positive progress made at the talks...” Full text is available at <http://www.kcna.co.jp/item/2004/200406/news06/29.htm#1>.

²¹ “...A scrutiny into the U.S. “proposal” suggests that, to our regret, it only mentioned phased demands for disarming the DPRK. Its real intention was to discuss what it would do only when the DPRK has completed the unilateral dismantlement of its nuclear program...” *Ibidem*.

mit to dismantle all of its nuclear programs.”²² The statement presented a basic roadmap that the United States would offer the benefits to the North such as the energy support, the discussion of ending sanctions and the removal of the DPRK from the List of State Sponsors of Terrorism on condition that the North’s dismantlement declaration and actions of all of its uranium enrichment programs is fully completed.

Though the North rejected flatly the United States’ proposal of *Libya-type* immediately on 24th July and the United States appeared not to change its principles regarding the nuclear issue in particular, the statement implied two important aspects reflecting some other possibility for the further negotiations: 1) The United States having expressed its respect for the DPRK’s statement that it has the right to peaceful uses of nuclear energy; and 2) The United States having agreed to take coordinated steps to implement the agreement in a phased manner in line with the principle of “commitment for commitment, action for action.”

It seemed to be some methodological changes were taken into account in U.S. foreign policy toward the nuclear disputes not to lose negotiating points, at least. And North Korea also did show positive response to them, even though for the purpose of searching the United States’ heart just prior to the presidential election. On October 22, 2004, the North Korean foreign ministry spokesman set out three conditions for returning to the six-party talks: 1) the United States should change its hostile policy toward the North; 2) it should participate in a discussion on compensations for the freezing of the North’s nuclear facilities; and 3) the issue of South Korea’s nuclear experimentations should be taken up first.²³

1.4. Catching the hegemony

North Korea turned to adapt a hard line again along with the beginning of the second-term Bush administration following the reelection in January 2005. While the doctrinal neoconservatives in the diplomacy and security team had changed into multilateral pragmatists, led by Secretary of State Condoleezza Rice, the North tactically took reactivation of the “brinkmanship” into consideration. Suddenly, the Foreign Ministry of DPRK issued a statement declaring that North Korea possessed nuclear weapons on February 10, 2005. The statement officially announced as well its manufacturing and possession of nuclear weapons and its intention to strengthen its nuclear arsenal and not to return to the six-party talks indefinitely until the U.S. meets certain conditions.²⁴

²² James A. Kelly, assistant secretary of State for East Asian and Pacific Affairs, “Dealing With North Korea’s Nuclear Programs” (prepared statement, Senate Foreign Relations Committee, July 15, 2004).

²³ “...If that is not the real intention of the U.S., the DPRK would like to ask the U.S. whether the groundwork of the talks has been restored as demanded by the DPRK, whether it is ready to drop its hostile policy towards Pyongyang and participate in making “reward for freeze,” the first-phase measure of the proposal for a package solution based on the principle of simultaneous actions and discuss south Korea’s nuclear issue before anything else with a view to denuclearizing the Korean Peninsula...” Full text is available at <http://www.kcna.co.jp/item/2004/200410/news10/23.htm#12>.

²⁴ “...The U.S. disclosed its attempt to topple the political system in the DPRK at any cost, threatening it with a nuclear stick. This compels us to take a measure to bolster its nuclear weapons arsenal in order to protect the ideology, system, freedom and democracy chosen by its people...” Full text is available at <http://www.kcna.co.jp/item/2005/200502/news02/11.htm#1>.

This was a highly calculated counterattack on the situation in which United States began to take a flexible attitude toward North Korea for the resumption of the six-party talks, since the second-term Bush administration had initiated. Further, Pyongyang never let the manipulated tension slip to have hegemony over the circumstance. Three months later, on 11th May, the North had also said that it has removed 8,000 fuel rods from its 5-megawatt reactor,²⁵ which strongly implied their intention to reprocess the rods to extract plutonium for bombs. However, it might really intend to catch the hegemony of the next negotiation.

As a result, the fourth round of six party talks was initiated on 26th of July and lasted to September. Finally, they adopted the Joint Statement of the Six-Party Talks on 19 September 2005 in Beijing. The statement outlined the objectives and principles for denuclearization of the Korean Peninsula. The core point of the statement is that the parties agreed to establish a verification mechanism within the Six-Party Talks framework to verify the denuclearization of the Korean Peninsula.²⁶

For the North, however, it was successful outcome of the negotiations in which the United States agreed to the adoption of an “action for action” approach.²⁷ Because, the statement did well represent the “freezing vs. compensation” such as North Korea’s abandonment of its nuclear programs, their normalization of diplomatic relations with U.S. and Japan, promotion of economic cooperation, and formation of a multilateral security framework in Northeast Asia. While it took two years for the six parties to define the realistic roadmap, North Korea succeeded to keep their principle calling for the “simultaneous steps”. At that moment, the North’s diplomatic strategy seemed to be a relevant solution in accordance with the classic saying – “a good offense is the best defense”.

2. Toward Actions for Implementation of Joint Statement

2.1. Conflicts beyond the agreement

Although the joint Statement, produced in September 2005, had been reconfirmed in November during the fifth round of Six Party talks, the negotiations suddenly met another roadblock. Because, the Statement did not mean the final solution of the North’s nuclear standoff, but signaled the start of other negotiations with the principles of settlement laid out. It is also to be said that the Statement is full of nebulous commitments and promises and that the United States and North Korea are not likely to reach an easy agreement as they start discussing more specific implementation measures for the latter’s nuclear disarmament.

Meanwhile, there has begun a new phase of conflict. During the fifth round of Six-party Talks, ended in Beijing on November 11, the principle of “commitment for commitment” and “action for action” was reaffirmed and agreed to hold the second session of the fifth

²⁵ Full text is available at <http://www.kcna.co.jp/item/2005/200505/news05/12.htm#17>.

²⁶ Full text is available at <http://www.fmprc.gov.cn/eng/zxxx/t212707.htm>.

²⁷ ... The Six Parties agreed to take coordinated steps to implement the afore-mentioned consensus in a phased manner in line with the principle of “commitment for commitment, action for action”... *Ibidem*.

round of the six-party talks in the near future.²⁸ However, the North Korean side raised a strong objection to the fact that the U.S. Treasury Department had frozen the assets of Macao-based Banco Delta Asia for the suspicion of the North's funds of \$25 million.²⁹ For U.S. the amount of money were seemed to be the output coming from laundering related with the North's financial transactions of weapon of mass destruction (WMD).³⁰

As a result, North Korea decided to boycott the six party talks and looked for the more direct way calling for bilateral talks with the United States. On January 18 2006, three chief envoys to the Six-Party Talks from North Korea, China and the United States met in Beijing. The trilateral meeting was held to discuss ways on the pretext of reviving the Talks.³¹ However, the North already had the intention to alter the Six-Party Talks into more bilateral way with the United States. As a matter of fact, on 1st June North Korea had invited America's top nuclear negotiator to Pyongyang pointing out the "insincerity" of the United States.³² As the statement mentioned, North Korea's stand clearly puts emphasis on direct negotiation with U.S. side³³

2.2. Hazard gambling and speculation

Not long before the proposal of "invitation" rejected, a series of North Korean missile tests (short-range Nodong-2 missiles and one long-range intercontinental Taepodong-2 missile) were conducted on July 5, 2006. The first response to the test came out on July 15, 2006 from the decision of the United Nations Security Council. The Security Council Resolution

²⁸ "Kim Kye-gwan Interviewed in Beijing," Korean Central News Agency, November 12, 2005 <http://www.kcna.co.jp/item/2005/200511/news11/14.htm#20>.

²⁹ That was the financial sanction resulted from *Executive Order 13382*, which was issued by President George W. Bush on June 29, 2005 to seize any U.S. assets of WMD proliferators and their supporters. "Executive Order 13382—Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters," *Federal Register*, Vol. 70, No. 126, July 1, 2005. See also: Magnier, Mark. "U.S., N. Korea Stick to Their Positions in Nuclear Talks," *Los Angeles Times*, November 12, 2005.

³⁰ The Treasury Department's naming of Banco Delta Asia as a "primary money laundering concern" on September 15, 2005 appears to be part of this effort. "Treasury Designates Banco Delta Asia as Primary Money Laundering Concern under USA PATRIOT Act," U.S. Department of the Treasury Press Room, September 15, 2005, <http://www.ustreas.gov/press/releases/js2720.htm>.

³¹ During 10 – 18 January 2006, just prior to the meeting, North Korean leader Kim Jeong-il traveled to China and met with President Hu Jintao. Though it was an unofficial summit meeting, Kim Jeong-il reaffirmed North Korea's commitment to the Six-Party Talks. According to the Korean Central News Agency (KCNA), the two summits "agreed to continue to the peaceful resolution of the Korean Peninsula's nuclear issue by continually pursuing the six-way talks process."

³² "...If the U.S. truly wants the resumption of the six-party talks, there is a simple way of resuming them and the U.S. is well aware of this, too. [...] What remains to be done is for the U.S. to create conditions and climate whereby the DPRK may return to the talks and fulfil its commitment, free from any pressure. ... If the U.S. has a true political intention to implement the joint statement we kindly invite once again the head of the U.S. side's delegation to the talks to visit Pyongyang and directly explain it to us." Full text is available at <http://www.kcna.co.jp/item/2006/200606/news06/02.htm#1>.

³³ "...The U.S., however, conveyed its stand through the third party, far from having an exhaustive discussion with the DPRK, the party directly concerned with the issue. This behaviour only added to the confusion rather than helping settle it. [...] The U.S. will never be able to find a way of solving the issue if it is so reluctant to sit with the party directly concerned with the issue, while expressing its intention to seek a negotiated settlement of such crucial issue as the nuclear issue. ...", *ibidem*.

1695, which requires all member states to refrain from purchasing North Korean missiles or missile-related items and to prevent the export of such items or missile-related resources to North Korea,³⁴ was unanimously approved. Furthermore, a series of financial sanctions had been followed imposing against North Korean entities by the United States and its allies. On July 28, 2006, the United States applied the sanctions against the Korea Mining and Industrial Development Corporation (KOMID) and the Korea *Pugang Trading Corporation* under Section 3 of the Iran Non-proliferation Act of 2000.³⁵

The United State's decision continued to encourage financial institutions to carefully assess the risk of holding any North Korea-related accounts as to face near complete isolation.³⁶ The U.S. government began to urge the international financial institutions around the world to consider the risks of doing North Korea-related business. And, actually on September 9, 24 financial institutions around the world (including Chinese ones) closed transaction with the North Korean entities. Soon after, on September 19, 2006, Australia and Japan imposed additional financial sanctions on 27 North Korea entities. Among others, the Japanese sanctions which decided to: 1) freeze the assets of the entities in Japan; and 2) prohibit the withdrawal of funds and remittances to North Korea from the entities' Japanese accounts; seemed to be the most serious for the North Korean national economy.³⁷ Surely, North Korea had been situated with the urgent time for decision, mostly to surrender. However, as a baited cat may grow as fierce as a lion, Pyongyang chose the "cat and mouse diplomacy." Namely, being faced with the hardest economic pressure of the United States and its alliance, the North decided to conduct a Nuclear Test to win the "Chicken Game".

On October 9, 2006, North Korean Central News Agency officially announced that the Democratic People's Republic of Korea (DPRK) successfully conducted an underground nuclear test.³⁸ The statement was short, but clearly manifested their "powerful self-reliant defence capability" which strongly implies the pretext for the better negotiation as a strategy not to be pushed back by the outer pressure. In the same context, Pak Kil-yŏn, the DPRK's representative to the United Nations, said he was "proud of the successful nuclear test and the UN Security Council should congratulate North Korean scientists and researchers rather than waste its time adopting vicious, useless and harsh resolution."³⁹ He did definitely mention as well that on the nuclear test due to the United States' hostile policy toward North Korea.

³⁴ United Nations Security Council, "Security Council Condemns Democratic People's Republic of Korea's Missile Launches, Unanimously Adopting Resolution 1695 (2006)," Department of Public Information, News and Media Division, New York, July 15, 2006.

³⁵ Department of State, "Public Notice 5483: Bureau of International Security and Nonproliferation; Imposition of Nonproliferation Measures against Foreign Entities, Including a ban on U.S. Government Procurement," *Federal Register*, Vol. 71, No. 150, August 4, 2006.

³⁶ Treasury Stuart Levey, *Wall Street Journal* on August 29.

³⁷ <http://www.voanews.com/Korean/archive/2006-09/9-19-06-voa-korean-1.cfm>.

³⁸ "... The field of scientific research in the DPRK successfully conducted an underground nuclear test under secure conditions on October 9, Juche 95 (2006) at a stirring time when all the people of the country are making a great leap forward in the building of a great prosperous powerful socialist nation..." Full text is available at <http://www.kcna.co.jp/item/2006/200610/news10/10.htm#1>.

³⁹ "The Security Council also has to congratulate the successful nuclear test", *Daily Dong-A*, October 10, 2006.

Although the power of the North Korean nuclear explosion, in accordance with the a senior U.S. intelligence community official, was equivalent to about 500 metric tons of TNT, which is unusually small for a nuclear blast,⁴⁰ the test has important short- and long-term implications for global and regional security. One of the most serious consequences of the North Korean nuclear test is that it has meant a severe blow to the global non-proliferation regime. In connection with, the nuclear test seemed to be a desperate effort for the North to secure bilateral negotiations with the United States. A hazardous attempt as it is, the North Korean authority judged, once in negotiations the leverage must be applied.

The “unofficial propose of bilateral negotiations with the United States” had been soon rejected. In response to the test, the UN Security Council unanimously approved limited military and economic sanctions against North Korea on October 14. The resolution was unanimously supported the U.S.-drafted resolution (Res. 1718),⁴¹ but still remained to be treated in the frame of Six Party Talks. Meanwhile, just 10 days after the nuclear test, China sent special envoy – a high-level delegation led by State Councilor Tang Jiaxuan to Pyongyang. Tang met with the North Korean leader Kim Jeong-il. It is said that Tang sent him “special, but strong” message from Chinese President Hu Jintao which supposed to stress China’s warning (demands) and special position (potential rewards).⁴² For, China had long been seen as the most influential external party in this crisis. Nevertheless, the situation of the nuclear test in October illustrates China’s status limitations and needed to turn into a diplomatic quandary for Beijing and the frustration with the long alliance neighbor’s challenge.⁴³ On 31 October 2006, the Chinese government announced that six-party talks would resume and the second phase of the fifth round talks was held on 18 December in Beijing.

The second phase of the fifth Six Party Talks, held on 18–22 December, had not produced quite a tangible achievement. While the United States moved an amendment of “the denuclearization – the corresponding measures”, the North Korea adhered strictly the prior settlement of the BDA (Banco Delta Asia) to be resolved. The fifth round went into “recess,” however the second phase ended with the “green fruit” – at least – toward the

⁴⁰ <http://www.cnn.com/2006/WORLD/asiapcf/10/09/korea.nuclear.test/index.html>.

⁴¹ The Resolution 1718, in summary, 1) regards the test “a clear threat to international peace and security”; 2) bans trade in heavy weapons and luxury goods; 3) authorizes countries to inspect cargo bound to and from North Korea to look for weapons of mass destruction or related materials; 4) requests that countries freeze funds related to North Korea’s non-conventional weapons programs; and calls on North Korea 5) to refrain from conducting additional nuclear or ballistic missile tests; to rejoin the Nuclear Non-proliferation Treaty (NPT); and to suspend its ballistic missile program and eventually abandon its nuclear weapons in a complete, verifiable, and irreversible manner. <http://www.un.org/News/Press/docs/2006/sc8853.doc.htm>.

⁴² In an interview with ABC on October 21 in Pyongyang, North Korea’s Vice Foreign Minister Kim Kye-gwan said, “We haven’t said that we will conduct another nuclear test.” With this remark, North Korea avoided using the words “preparation” regarding a second nuclear test: the reclusive nation kept its right to an additional test, while at the same time ceding some ground to China’s demands. Tang’s remark that “my visit has not been in vain” has the same meaning. http://english.hani.co.kr/arti/english_edition/e_international/166585.html.

⁴³ On other hand, North Korea notified that the nuclear test would impinge on the balance of power in the Cross-Strait relations and eventually would open Chinese eyes on the North Korean survival endeavours. As a matter of fact, there were some apprehensions that Taiwan may contemplate developing nuclear weapons. Possession of nuclear weapons would deter China from launching military attacks against Taiwan and prevent it from forcefully reunifying the Island with the Mainland. Also, it is worthwhile to recall that last year the Chinese leadership agreed to put pressure on North Korea in return for US reciprocity in restraining Taiwan’s aspirations for independence.

denuclearization on the Korean Peninsula. All six parties reaffirmed their commitment to the Joint Statement made on 19 September 2005 in an “action for action” manner pulling out the North from the “playing with fire.”

2. 3. Finding the clue: strategic trial and error

On 16–18 January 2007, Assistant Secretary of State Christopher Hill met with the Vice Foreign Minister of North Korea Kim Kye-gwan in Berlin to discuss the BDA issue and the resumption of the Six-Party Talks. It was not only the first meeting on the North Korean nuclear issue held outside Beijing and the first one-on-one (bilateral *de facto*) talks as well, since the Six Party Talks had begun.

After the talks, both sides made “unusually” positive remarks which implicate “certain agreements” had reached. North Korea had viewed the meetings as the “bilateral negotiations” as it had wanted with the U.S. for a long time, whereas the U.S. refers to it as talks in “preparation for the six-party talks”.⁴⁴ Any way, this direct contact made it possible to hold the next phase of fifth Six Party Talks which may reach the eventual agreement in the future among the Parties.

As a result, the Six-Party Talks were reconvened as the third phase in Beijing February 8-13, 2007 and the parties agreed to an “Initial Action Plan for the Implementation of the Joint Statement.” The core points of the Action Plan are divided into two action phases. In the first (initial) phase, North Korea has to shut down the *Yongbyon* facilities and permit the IAEA to return in 60 days, implicitly in exchange for resolution of the BDA issue. In the next phase: 1) North Korea guarantee the “disablement of all existing nuclear facilities” and provision of a complete declaration of all nuclear programs; 2) the other parties are to provide energy and humanitarian assistance, including heavy fuel oil; and 3) the United States and Japan should move toward normalization of their diplomatic relations with North Korea.

However, it would not be long since the implementation of the first phase actions met unexpected situation for the United States to deliver the frozen BDA funds. For, the foreign banks proved wary of accepting accounts that might be vulnerable to subsequent Treasury actions. Though Christopher Hill – the US chief negotiator – announced that all of the \$25 million in funds belonging to the North Koreans in Banco Delta Asia that were frozen before were being unfrozen to reciprocate the positive steps the North Koreans have taken towards freezing their *Yongbyon* nuclear reactor and readmitting IAEA inspectors, Kim Kye-gwan – the North Korean chief negotiator – refused to negotiate further until they received their money. For that reason, the first phase of sixth Six Party Talk (19–22 March) had been broken down.

Though it took some time to resolve BDA issue, the parties reached the positive reversal – remarkable advancing steps – toward the fulfilments of “Initial Action Plan for the Imple-

⁴⁴ <http://news.bbc.co.uk/1/hi/world/asia-pacific/6277551.stm> Later, on Tuesday 30 January 2007, U.S. Deputy Assistant Treasury Secretary Daniel Glaser is due to hold talks with his North Korean counterpart, O Kwang Chol. In that meeting there regarded the partial lifting of financial sanctions, thought to be around US\$13 million of the US\$24 million frozen in Macau’s Banco Delta Asia. <http://www.businessweek.com/ap/financialnews/D8MU79BO0.htm>.

mentation of the Joint Statement” during the resumption of the 1st phase of the sixth Six Party Talks (18–20 July 2007) and the following events.

Soon after the talks, Christopher Hill’s visit to Pyongyang on 21–22 June and the frozen funds were transferred to North Korean accounts in a Russian bank in the city of Khabarovsk. Then, and on June 26, the IAEA delegation arrived in Pyongyang to discuss the sealing and monitoring of DPRK nuclear facilities. The denuclearization program gained momentum, as a result, the most significant fulfilments than ever before were carried out simultaneously. When North Korea received 50,000 tons of heavy fuel oil from South Korea, in return, the plutonium reactor were immediately shut down on 15th of July.⁴⁵

With the resolution of BDA issue and North Korea’s apparent willingness to comply with its “first phase” obligations,⁴⁶ the next step was to move toward more concrete implementation of complete denuclearization. In the second phase of the sixth Six Party Talks (27–30 September, Beijing), “Implementation of initial actions of February 13 2007 Agreement” confirmed. Accordingly, “Second Phase Actions for Implementation of Joint Statement” issued on 3 October.

The Second Phase Actions says that North Korea: 1) agreed to disable all existing nuclear facilities subject to abandonment under the September 2005 Joint Statement and the February 13 agreement including the disablement of three facilities at *Yongbyon* by removing eight-thousand fuel rods from the nuclear reactor; and 2) agreed to provide a complete and correct declaration of all its nuclear programs in accordance with the February 13 agreement by 31 December 2007. In return, the United States agreed to begin the process of delisting North Korea as a state sponsor of terror, removing economic sanctions, and moving toward normalization.⁴⁷

Surely, the Second Phase Actions seemed to be a meaningful step forward and that had been reconfirmed during the Second Inter-Summit, held October 2–4, 2007 in Pyongyang, between Kim Jeong-il and Roh Moo-hyun, the President of the Republic of Korea at that time. Further, a team of American nuclear experts which stayed in North Korea on 1–5 November indicated that disabling of North Korean main Nuclear Facilities was going well.⁴⁸ Moreover, the technical experts from Russia, Japan and South Korea who observed the North Korean denuclearization progress on 27–29 November also expressed positive opinions on the issue. Thus, the long terms of Six Party Talks seemed to have been very meaningful and their roles successfully came to an end. For, the talks were aimed to make affirmative environments for the ultimate goal of the North Korean denuclearization.

⁴⁵ “... The DPRK suspended the operation of the above-said nuclear facilities on July 14, the day the first shipment of 50,000 tons of heavy oil arrived and allowed members of the International Atomic Energy Agency to monitor the facilities according to the agreement...” Korean Central News Agency, July 16, 2007. *Full Implementation of February 13 Agreement Depends on U.S. and Japan*. Full text is available at <http://www.kcna.co.jp/item/2007/200707/news07/16.htm#1>.

⁴⁶ Once again, in bilateral talks in Geneva held 1-2 September, Christopher Hill and Kim Kye-gwan agreed to declare and disable all the North Korean nuclear facilities by the end of the year.

⁴⁷ US Department of State. Six-Party Talks–Second-Phase Actions for the Implementation of the September 2005 Joint Statement (October 3). Full text is available at <http://www.state.gov/r/pa/prs/ps/2007/oct/93217.htm>.

⁴⁸ “...I think we are off to a good start... I hope to achieve all the disablement, at least this phase of disablement, by December 31...” Voice of America. *Disabling of N. Korea Nuclear Facilities Going Well Says US Envoy*. <http://www.globalsecurity.org/wmd/library/news/dprk/2007/dprk-071106-voa01.htm>.

2.4. Last Barrier

North Korean nuclear activities and declaring the programs were not met the deadlines to the end of the year on the obligation of fully disclosing. There emerged a new difficult issue of North Korea's Nuclear Declaration, with which its past nuclear activity must be examined "as complete and correct as possible."⁴⁹ While the Six Party Talks provide methodological approach to the denuclearization as a whole, the declaration issue remained to be solved in more detailed way. In this context, the declaration issue had already to be laid out of the Six Party Talks.

After the hotly contested debates,⁵⁰ Hill and Kim made headway toward resolving a stalemate regarding North Korea's declaration of its nuclear activities during the bilateral discussion on April 8 meeting in Singapore. As a result, on 8th May 2008, North Korea handed over around 18,000 pages of documents to the United States detailing production records of its past nuclear activities to Sung Kim, director of the U.S. State Department's Korean Affairs office on his follow-up visit to Pyongyang. In turn, on 26th June North Korea submitted its nuclear declaration to China. Furthermore, the next day, North Korea destroyed the cooling tower at *Yongbyon* nuclear reactor site. For the North, it was quite significant event to risk its all-in fortune. Because, they eventually expected the United States' correspondence – removal itself from the list of state sponsors of terrorism as promised.

The United States immediately responded to Pyongyang's gestures by taking North Korea off the Trading with the Enemy Act. However, removing North Korea from the State Sponsors of Terrorism list was not followed simultaneously. That is why the "verification" of the declaration had been emerged as a salient issue. The United States still pressured Pyongyang to disclose all facilities, documents and personnel within the country suspected of being connected with plutonium production, uranium enrichment, nuclear weapons, weapons production and experimentation and nuclear proliferation activities, while North Korea continued to separate the declaration from verification matter.

This serious disagreement of view between the two parties over the matter brought the North's last (so far) brinkmanship. On 26th August 2008, North Korea announced it had stopped disabling its nuclear facilities, accusing the US of reneging on a six-party disarmament deal.⁵¹ The Pyongyang's core pretext to the decision was the very reason that United States did not fulfil the agreement of delisting North Korea as a state sponsor of terrorism.

⁴⁹ "...The DPRK agreed to provide a **complete and correct** declaration of all its nuclear programs in accordance with the February 13 agreement by 31 December 2007..." US Department of State. *Ibidem*.

⁵⁰ The North Korean Foreign Ministry issues a statement in which it claims that Pyongyang had submitted a nuclear declaration in November 2007 and had "sufficient consultation with the U.S. side" on the contents. Korean Central News Agency, January 5, 2008. *DPRK Foreign Ministry Spokesman on Issue of Implementation of October 3 Agreement*. Full text is available at <http://www.kcna.co.jp/item/2008/200801/news01/05.htm#1> Latter, Christopher Hill and Kim Kye-gwan met twice to discuss the matter on 19 February in Beijing and 13–14 March in Geneva.

⁵¹ "...The DPRK has honored its commitment by presenting the nuclear declaration on June 26. But the U.S. failed to delist the DPRK as a "state sponsor of terrorism" within the fixed date for the mere "reason" that a protocol on the verification of the nuclear declaration has not yet been agreed upon. This was an outright violation of the agreement..." Korean Central News Agency, August 27, 2008. *Foreign Ministry's Spokesman on DPRK's Decision to Suspend Activities to Disable Nuclear Facilities*. Full text is available at <http://www.kcna.co.jp/item/2008/200808/news08/27.htm#1>.

After all, the North's risky adventure had worked well. In other words, the United States has reached an agreement with North Korea to resume implementation of the six-party accord to end that country's nuclear weapons program. In consequence, as soon as North Korean government agreed to some verification measures,⁵² the United States removed North Korea from its list of state sponsors of terrorism. On 11th October, the US secretary of state officially rescinded the designation of the DPRK (North Korea) as a state sponsor of terrorism, and that was effective with her signature.

The North could get not only international status of "normal state", but economic, energy and humanitarian assistance in return for a complete declaration of all its nuclear programs and disablement of all existing nuclear facilities in accordance with "Initial Action Plan for the Implementation of the Joint Statement" from February 2007. It was the very moment of seeing the light at the end of North Korean nuclear tunnel.

Concluding remarks

In the early stage of the Second Nuclear Crisis, North Korea was not much interested in the multilateral talks and stuck to the bilateral way. At first, Pyongyang officially rejected the United States' proposal of multilateral talks in the early 2003.⁵³ Now, however, the North makes the most of the Six Party Talks as a scene in which its strategic goal could be achieved.

On the other hand, North Korea did not give up maintaining the bilateral discussions with United States in the frame of the Six Party Talks. Especially, after the Kim – Hill meeting in Berlin in January and following agreement to "Initial Action Plan for the Implementation of the Joint Statement" in February 2007, the combined sketch of "bilateral discussion between North Korea and United States" and "Six Party Talks' confirmation" has been substantially settled as a basic solution to the nuclear issue. That is why North Korea regards the frame of Six Party Talks positively, though it focuses the nuclear issue fundamentally as the bilateral matter with the United States.

⁵² They are the conditions that North Korea is: 1) to resumes dismantling a plutonium processing plant at Yongbyon; and 2) to allow international inspectors. See details. *U.S.-North Korea Understandings on Verification*. <http://www.state.gov/r/pa/prs/ps/2008/oct/110924.htm>.

⁵³ "...the nuclear issue on the Korean Peninsula surfaced because of the nuclear threat posed by the U.S., the assailant, to the DPRK, the victim, and this is an issue of bilateral nature that can be solved by the parties concerned peacefully through negotiations..." Korean Central News Agency, January 15, 2003. *KCNA accuses U.S. of mocking at UN and international community*. Full text is available at <http://www.kcna.co.jp/item/2003/200301/news01/15.htm#5> "...Of late the United States claimed that the nuclear issue on the Korean Peninsula should be debated at a "multi-party talks" including the five permanent member nations of the UN security council. Lurking behind the claim is a U.S. sinister intention to flee from the responsibility for the nuclear issue and put international pressure upon the DPRK. It is owing to the U.S. that the issue surfaced, got worse and has reached the extremes. It is the United States that menaces the sovereignty of the DPRK and its right to existence. Only the U.S. is responsible for doing away with the threat and able to do so. The U.S. should know that its efforts to flee from the responsibility under the signboard of the "multi-party talks," ignoring the stark fact unanimously recognized by the international community would not help solve the issue but make its settlement more complicated..." *Ibidem*. January 27, 2003. *DPRK Foreign Ministry spokesman on "multi-party talks"*. Full text is available at <http://www.kcna.co.jp/item/2003/200301/news01/27.htm#14>.

At first, North Korea unwillingly accepted the Six Party Talks. However, thanks to the multilateral way, the North could make sure of the grounds for all the parties – including United States – to fulfill the agreements. Besides, the multilateral talks are more attractive when the bilateral discussions with the United States are still in proceeding. As a matter of fact, the North had already experienced the breaking of Geneva Agreed Framework (1994) just after the onset of the new government in 2001 – Republican George W. Bush's administration. Considering the US presidential election in November 2008, Pyongyang wanted to have some kinds of guarantee that the former agreements should remain valid from the multilateral parties.

Any way, Six Party Talks has contributed to find the solution of North Korean nuclear program for the past 5 years and did produce significant deal. However, although North Korea ought to resume the disabling a plutonium plant for the award of delisting from the state sponsors of terrorism, the following denuclearization process does not seem to go on without hitch. Some of the "verification" matters are not agreed upon yet, but still to be discussed. Furthermore, the removal from its terror blacklist is only "provisional" as the US officials said. Needless to say, the word "provisional" means that North Korea would return to the blacklist, if it did not succeed to comply with the inspections of its nuclear facilities as part of the effort to get it to resign atomic weapons. Therefore, the real benefits which the North could acquire depend on the further negotiations with United States and the other party members as well as international opinions.

Looking behind, North Korea clearly intended to use slice-by-slice "salami tactics" based on "action-to action" to keep the process going in order to maximize United States' concessions throughout the past Six Party Talks periods. Likewise, North Korea seems to still carefully calculate the benefits and the risks at every step of moving toward the presumed final destination of denuclearization. Judging from the past Six Party Talks process, it clearly has a long way to go yet with many potential difficulties to surmount in the path. Nevertheless, the solution is still under way. It is rather fortunate that the direction is certainly correct and the light at the end of the tunnel is visible.

Streszczenie

Północnokoreański program atomowy to jedno z największych zagrożeń współczesnego świata. Reżim Kim Jong Ila nie traktuje bowiem poważnie podpisywanych w ramach różnych konfiguracji politycznych umów międzynarodowych. Wielokrotne zrywanie lub nieprzestrzeganie ich zapisów lub, dokonywane pod byle pretekstem, groźby wznowienia prób nad bronią jądrową powodują, że północnokoreańskie stanowisko jest nieprzewidywalne. Tym niemniej społeczność międzynarodowa zdaje sobie sprawę, że jedyną formą oddziaływania jest kontynuacja tej polityki. Autor przedstawia szeroko próby dyplomatycznego rozwiązania problemu północnokoreańskiego programu atomowego. W swych rozważaniach prezentuje głównie obszary, toczonych na przestrzeni ostatnich 6 lat (2002–2008) negocjacji z reżimem północnokoreańskim, koncentrując się na przedstawieniu racji Korei Południowej, stając się osmą potęgą gospodarczą na świecie.