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Kim Jong Il's Nuclear Diplomacy and the US Opening: Slow Motion Six-Party Engagement

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In the last few weeks, Kim Jong Il has inspected a pig farm, a mine[1], a solar thermal energy research unit,[2] a restaurant, an orchestra,[3] and even gave field guidance to the Tudan Duck Farm on how to raise these pesky birds, where he reportedly enjoyed an art performance given by the members of the art group of the Pyongyang Poultry Guidance Bureau at the newly built house of culture of the farm, and congratulated them on their successful performance.[4] He also travelled to the industrial east coast city of Hamhung, a cross-country trip that one of the authors, having done it, can attest requires a bit of effort.[5] Accompanied by his son, Kim Jong Il even managed to visit a terrapin farm.[6] Given all these visits, how one might ask, does the peripatetic Kim Jong Il find time for his commander-in-chief military and foreign policy duties?

Kim Jong Il may not be in the best of health, but he's clearly not about to keel over and hand off power to his anointed son, Kim Jong-un, and his circle of senior advisors. And, on military and nuclear diplomacy, he's been equally busy.

First, as reported by one of the authors, the DPRK has begun to develop a road-mobile long range missile—which would be quite an achievement given that it has yet to achieve a workable long range missile fired from a static launch platform.[7]

Second, various military units have reportedly deployed fighter jets to an airfield near the disputed Yellow Sea area, and moved ground-to-air missiles to a region close to the ROK's northern-most island (Baengyeong)—similar to movements noted before the shelling of Yeonpyeong Island in November 2010.[8]

Third, the DPRK's propaganda machine referred over recent weeks more frequently and loudly to launching another satellite in the near future--obvious threat to fire a missile yet again over Japan. Typically, the DPRK acts in ferocious and aggressive ways in the lead up to diplomatic engagement, much as a Tae Kwon-do practitioner screams while delivering a neck-kick to put the adversary off balance for close quarters fighting--and this time appears to be no exception. Thus, if the DPRK finds the talks to be simply a delaying tactic by the United States, it could well adopt a strategy of intensifying tension in the region.

Fourth, Kim has opened diplomatic dialogues on a number of fronts in 2011—most importantly with the Chinese, but also with the ROK itself in Indonesia on July 22, 2011[9] followed by two rounds of ROK-DPRK talks in Beijing[10]--a far cry from the ugly threats made after alleged secret ROK-DPRK talks in Beijing in June 2011 at which time the DPRK threatened to release tapes of the talks in which the South Korean envoys offered to pay the DPRK for cooperation with the ROK.[11]

For its part, aware that China was moving to embrace the DPRK in ways that controvert US interests in the region, the forever "strategically patient" United States initiated its own direct talks with Pyongyang with a visit by US special envoy Stephen Bosworth to Pyongyang in December 2010.[12] In July, after the inter-Korean July 22 meeting in Beijing, US diplomats met directly with North Korean first vice foreign minister long-time nuclear negotiator, diplomat, Kim Kye-gwan, in a meeting arranged via the DPRK UN Mission in New York.[13]

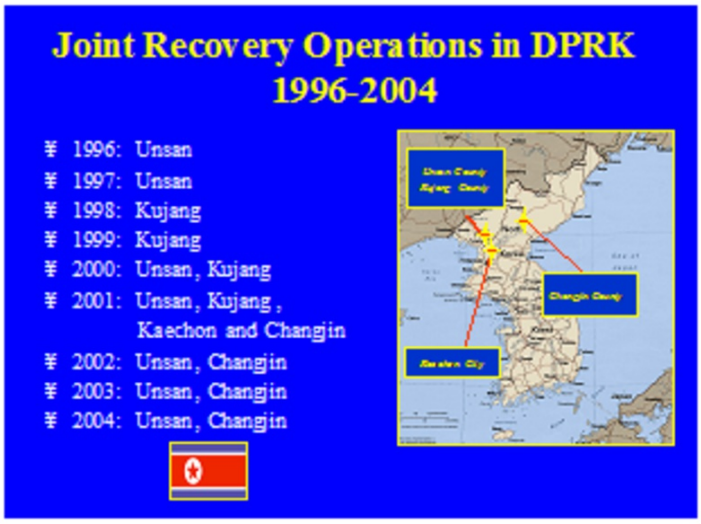
On October 19, the new US envoy to North Korea, Glyn Davies, was appointed, and will attend talks, again with North Korea's Kim Kye-gwan, on October 24-25, 2011 in Geneva.[14] A senior North Korean official will also attend a track 1.5 US-DPRK dialogue in Hawaii on October 26-2011.[15]

Perhaps most important of all in the US-DPRK bilateral track is the re-opening of the military-military US-DPRK Missing-in-Action Joint Recovery teams that had American military teams on the ground in North Korea from 1996 until May 2005 when US Defense Secretary Donald Rumsfeld unilaterally pulled them out, citing safety concerns due to escalating tension.[16] This single move likely ratcheted up the risk of war in Korea, because the presence of these teams was the single most concrete indicator that the US would not conduct a pre-emptive strike on the DPRK on the reasonable assumption that the White House would not want to see these teams taken hostage, tortured, or killed in the course of such attack. These joint teams were a significant confidence building measure, and the October 17, 2011 announcement of military-military talks about their restoration was long overdue.[17] The North Koreans, not the United States, initiated this dialogue by raising the issue with visiting Governor Bill Richardson on his visit to Pyongyang in December 2010.[18]

At the same time, North Korea admitted on October 11, 2011 physicians from the Hiroshima Doctors Association to attend to the needs of survivors of the Hiroshima nuclear bombing in 1945.[19] This is particularly interesting because until now, the DPRK has refused all offers of external help for these survivors, insisting that their needs were best met by DPRK-provided medical treatment. The significance is not that the Japanese team went; it is the fact that they admitted, suggesting that this people-people diplomacy might prefigure a resumption of discussions of official Japanese assistance to these survivors conducted in 2002 during preparations for the Koizumi summit meeting with Kim Jong Il—and thus, a possible harbinger that the DPRK might be open to diplomatic overtures from Tokyo that would be necessary to resume a six-party dialogue.

Of course, since the last six party talks ended in 2007, the DPRK has fired missiles, conducted nuclear tests, attacked and sunk a ROK warship killing scores of South Korean sailors, bombarded and killed South Korean civilians, and expressed the most extraordinary, verging on barbaric, nuclear threats aimed at the ROK and Japan.[20] In reality, its nuclear bite is far less fearsome than its nuclear bark—but the political-symbolic aspect of these nuclear threats are lost on no one, including China. As noted earlier, if the pending talks with the United States go nowhere, there are reasons to expect the North fire off a long-range missile or even conduct a third nuclear test.[21]

Indeed, one can argue that a major reason for the attack on Yeonpyeong Island last year was to provoke a US military response that would force Beijing to make a decisive move with regard to its backing for Pyongyang. And indeed, in the wake of the attack, after much delay, the United States deployed an aircraft carrier battle group, including the CVN USS George Washington, to South Korea for exercises with an explicit message to China. Chinese officials expressed concern about the presence of such a large military exercise so close to their borders. This coercive use of military power, to set two nuclear weapons states in conflict, is the same

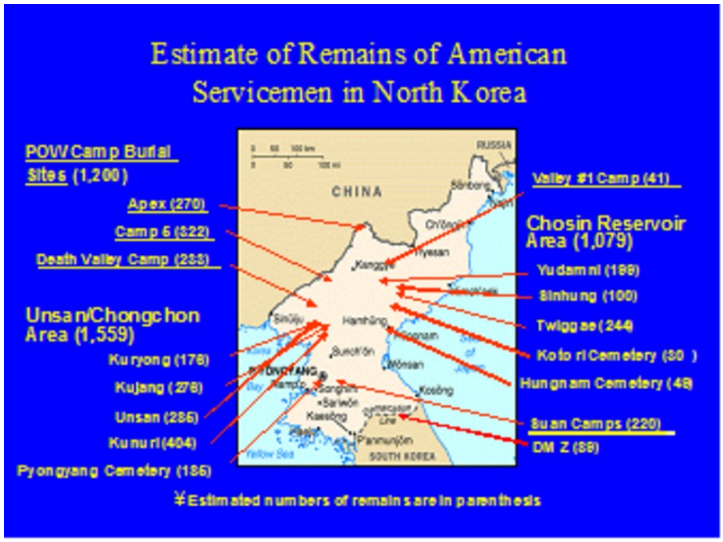


game Pyongyang played throughout the Cold War with Beijing and Moscow. It has simply transferred the strategy to current strategic environment.

Playing for Time for 2012 Celebrations

In contrast to 2010, the year 2012 is when the DPRK is to celebrate the 100th anniversary of the birth of its founding father, Kim Il Sung. It will declare that it has reached not only modern industrial status, with unparalleled social services for its half-starved population, but also nuclear weapons status. Thus, some have speculated that a third nuclear test is nigh.

What seems as likely, however, is that Kim Jong Il needs relative calm on the external front so that the leadership can concentrate, or at least appear to concentrate, on rebuilding its collapsed economy. The DPRK might fire another "satellite launching rocket" to poke the Japanese in the eye and just to prove they can do it, although so far, each prior long range missile test has failed to follow gravity's rainbow to the designated splash down point due to technical problems.



At the same time, each of the countries that figures importantly in the Korean standoff is also going through a political transition of one kind or another. Thus, one can expect more talks, more dialogue, more meetings, but few strategic moves or fundamental policies to be issued from any of the parties until the end of 2012. The real window of opportunity for a breakthrough—if one exists—will emerge in early 2013, after the US and South Korean presidential elections. It will depend critically on the simultaneous alignment of a South Korean leadership open to re-engaging the DPRK on a variety of political, economic, and cultural fronts, a US President willing to invest political capital in a new policy framework rather than just resting on the tired old crutch of containment combined with alliance management, and a recognition on the part of the United States and China that it is time to reorder the strategic framework in the region.

In this regard, Russia and Japan are on the sidelines—players, but not leaders. Japan is consumed with its internal politics, the distraction of North Korean kidnapping of Japanese citizens in past decades, and post-Fukushima recovery. Russia is positioned to benefit from whatever happens to the DPRK in the long run. The natural gas it could ship via a pipeline crossing over the DPRK to the ROK and Japan is not getting any less valuable with time and it would also gain from other networks that will be linked once the DPRK black hole is bridged—such as roads, railways, and telecommunications

The Fundamental Strategic Issue from A to Z

While all this talking is going on, the DPRK is busy enriching uranium and continuing its nuclear weapons program. Thus, the fundamental strategic issues that divide the DPRK from its neighbors, and especially from the United States, only worsen. The cycle of nuclear threats and counter-threats drives both parties further apart. Vice Foreign Minister Pak Kil-yo'n who headed the DPRK delegation to the 66th UNGA session on September 28 explained this logic, from a North Korean perspective, perfectly:

"The nuclear issue of the peninsula was a product of the U.S. hostile policy and nuclear war threat to the DPRK from A to Z. It is, therefore, the U.S. which has the responsibility and capacity to remove its root cause. Had the U.S. not threatened the DPRK with nuclear weapons after introducing them to the peninsula, the nuclear issue would not have surfaced."[22]

For decades, the DPRK demanded that the United States withdraw nuclear weapons from the Korean peninsula and stop threatening the DPRK with nuclear use. U.S. President George H. W. Bush did, in fact, order the removal of all nuclear weapons from the Korean peninsula in September 1991 as part of a worldwide withdrawal designed to improve US-Soviet relations, and orders were issued to start removing them from Korea as the highest priority of all forward-deployed nuclear weapons before the November 20 US-ROK Military and Security Committee meetings.[23] By 1992, the weapons were removed from the ROK.[24]

DOD issued a revised version of its "neither-confirm-nor-deny" policy to deal with the implications of the withdrawal of theater and tactical nuclear weapons. The newly framed policy did not change the normal statement, but added wording to be used in response to questions pertaining to nuclear weapons aboard surface ships, attack submarines, and naval aircraft: "It is general U.S. policy not to deploy nuclear weapons aboard surface ships, attack submarines, and naval aircraft. However, we do not discuss the presence or absence of nuclear weapons aboard specific ships, submarines, or aircraft."[25]

President Bush's withdrawal policy was in fact heavily qualified in that commanders were ordered to maintain nuclear target lists, war plans, and ability to reconstitute nuclear forces at the theater level.[26] This studied ambiguity is important because the DPRK sought the ability to inspect US bases in the inter-Korean discussions on the implementation of the 1992 Denuclearization Declaration,[27] to verify that the removal that was announced by ROK President Roh Tae-woo in December 1991 had in fact occurred, and that the undertaking of both Koreas in their 1992 Denuclearization Declaration that neither would allow the stationing of nuclear weapons on its territory was in fact implemented.[28]

The DPRK's ability to monitor the presence of US nuclear weapons in Korea foundered along with the failure of the talks by the Joint Nuclear Commission to determine how to conduct inspections in the two Koreas.[29] The US-DPRK statement issued after talks on June 11, 1993 addressed their concern about nuclear attack by noting that the two states agreed to adhere to the principle of "assurances against the threat and use of force including nuclear weapons."[30] The 1994 US-DPRK Agreed Framework included

a similarly vague reference to such an assurance: "The U.S. will provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the U.S."[31]

On many occasions, US diplomats have explained to the DPRK that if it ever complied fully with its Non-Proliferation Treaty (NPT) and International Atomic Energy Agency (IAEA) safeguards obligations,[32] then and only then would it fall under the standard "negative security assurance" that the United States issued to non-nuclear weapons states. The standard assurance that commits the United States to not use or threaten to use nuclear weapons against non-nuclear weapons states, however, always contained an exception for states allied with nuclear weapon states -- there was no negative security assurance for the DPRK after all. No doubt this was difficult for underlings to explain to Kim Jong Il.

The DPRK was dumped by the Russians shortly after the demise of the former Soviet Union and the bilateral security treaty went into limbo. But not so with China. However strained relations had become with China (particularly due to Beijing's "betrayal" of the DPRK by its recognition in 1991 of Seoul without requiring Washington to cross-recognize Pyongyang), the DPRK remained a formal ally of China and thus is allied with a nuclear weapon state. In effect, the DPRK would have had to abandon its nuclear weapons, open itself to inspection and rupture its primary security alliance to secure the requested security assurances from the US—hardly a conversation starter in Pyongyang–especially when the DPRK's erstwhile ally, China, has explicitly stated on many occasions that it will not extend nuclear deterrence to any country.

At various junctures in the subsequent bilateral negotiations and six party talks, the DPRK raised the notion of a post-Armistice security treaty or legally binding agreement and demanded a legally binding assurance that it would not be attacked by US nuclear weapons. In the September 19, 2005 ***Joint Statement of the Fourth Round of the Six-Party Talks* in Beijing**, for example, "The United States affirmed that it has no nuclear weapons on the Korean Peninsula and has no intention to attack or invade the DPRK with nuclear or conventional weapons" and 'The ROK reaffirmed its commitment not to receive or deploy nuclear weapons in accordance with the 1992 Joint Declaration of the Denuclearization of the Korean Peninsula, while affirming that there exist no nuclear weapons within its territory"—linked of course to reciprocal commitments by the DPRK to fully denuclearize in accordance with its prior NPT and IAEA safeguards commitments.[33]

What was this exclusion that so affected and inflected US-DPRK negotiations and where did it come from?

The Warsaw Pact Exclusion Clause and Calculated Ambiguity[34]

The United States first issued a so-called "negative security assurance" in 1978—negative in the sense that it explains when Washington would not use nuclear weapons against states party to the NPT. The occasion was the 10th anniversary of UN Security Council Resolution 255, which linked nonproliferation to security assurances by the nuclear weapons states.

The most striking feature of the assurance was a loophole big enough to drive the Red Army through—an exception for non-nuclear weapon states "allied ... or associated" with a nuclear weapon state, like the Soviet Union. This was widely referred to as the "Warsaw Pact exclusion," although it held at risk all of Moscow's allies, from East Germany to the DPRK.

The clause actually survived the demise of the Warsaw Pact. In 1995, the Clinton Administration reaffirmed it while tightening it ever so slightly: now, a non-nuclear weapon state could only be subject to nuclear use if it participated in the attack. This was not designed for the DPRK, but it certainly applied to it.

At the same time, the Clinton Administration arguably broadened the scenarios under which it might use nuclear weapons, stating that whatever other assurances had been offered, in the event of attacks against it or its allies with chemical or biological weapons, all options remained on the table.

The two statements -- that the United States would not use nuclear weapons against non-nuclear weapons states and the refusal to rule out any option in response to a chemical or biological attack—became known as the policy of "calculated ambiguity." This is despite the obvious fact that uttering two inconsistent statements at the same time does not, strictly speaking, constitute an instance of ambiguity. It is, at best, incoherent. A less charitable description would be "speaking out of both sides of one's mouth." In practice, "calculated ambiguity" turned out to be difficult to maintain, putting senior Clinton and G. W. Bush Administration officials in the position of appearing to make clumsy nuclear threats.

The Obama Administration entered office committed to reducing the role of nuclear weapons and putting "an end to Cold War thinking" about them. Declaratory policy, with respect to the archaic Warsaw Pact clause and clumsy efforts at calculated ambiguity, was an obvious candidate. Moreover, the Obama team recognized the "happy accident" that those states accused by the State Department of having illicit chemical or biological weapons programs either had nuclear weapons or compliance problems with the NPT.

As a result, the Obama Administration decided to issue a "clean" negative security assurance in its Nuclear Posture Review (NPR) released publicly on April 2, 2010. Although much of the internal debate on the NPR centered on the condition that a state must be "in compliance" with its nuclear nonproliferation obligations to receive the benefit of the pledge, the emphasis on compliance is a long-standing US position that dates to the Clinton Administration.[35] By making this change unilaterally and without fanfare, the Obama Administration intended to strengthen the incentive for North Korea and Iran to come into compliance with their nonproliferation obligations, without appearing to make "promises" to either state with nothing in return.

The new "clean" Negative Security Assurance is global in scope and criteria-based. It declares:

"[T]he United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are a party to the 1968 Non-proliferation Treaty and in compliance with their nuclear non-proliferation obligations."

This assurance would unambiguously apply to the DPRK in the event that it returned to the NPT as a non-nuclear weapon state. Given these factors, the United States would not easily be able to undermine such an assurance to the DPRK without undermining its wider nonproliferation efforts. The clean negative security assurance structures incentives for both Washington and Pyongyang to work toward a nuclear-weapon free Korean peninsula, although this is only a necessary but not a sufficient condition for an end to the nuclear standoff with the DPRK. Almost certainly, an end to the Armistice, possibly via a peace treaty, and some form of mutual diplomatic recognition by the United States and the DPRK also would be necessary.

Of course, the DPRK might use chemical or biological weapons in an attack against the United States or its allies. Instead of a nuclear response, however, the new policy declares that they would face a "devastating conventional military response," including "holding accountable" their leaders and national military commanders including, one assumes, war crimes trial. (There is one marker laid down in the text, which is that if biological weapons develop unexpectedly into genuine weapons of mass destruction, the United States reserves the right to update the negative security assurance to reintroduce a nuclear response to such a threat—but that

does not change the significance of the revisions for the DPRK).

In short, the Obama Administration created a path for the DPRK to denuclearize in exchange for a policy commitment from the United States, irrespective of the DPRK's putative alliance with China. That is, the NPR offers the DPRK safe harbor in the event that Pyongyang's leaders denuclearize—something that was not possible in previous negotiations. Moreover, should the DPRK insist that the negative security assurance be legally binding, then an additional possibility arises. Although a negative security assurance is only politically, not legally binding, the Obama Administration has signaled its willingness to codify such assurances with regard to nuclear weapon free zones. Secretary Clinton announced at the NPT Review Conference that the Obama Administration is submitting to the Senate for ratification the protocols to African and South Pacific Nuclear Weapons Free Zones, which legally bind the United States to provide such assurance to signatories. A Northeast Asian Nuclear Weapons Free Zone, therefore, would offer the DPRK the ultimate prospect of a legally binding negative security assurance from the United States in the event that it denuclearized and remained in compliance with its obligations.

Oddly, at the same time the United States was moving away from an exception for allies, the DPRK was adopting the obsolete American language. The DPRK Ministry of Foreign Affairs issued an authoritative statement on April 26, 2010 that contains its own cheerful version of the Warsaw Pact exclusion. It stated: "The DPRK is invariably maintaining the policy not to use nuclear weapons against non-nuclear states or threaten them with nuclear weapons as long as they do not join the act of invading or attacking us in conspiracy with nuclear weapons states.[36]

This statement apparently supersedes its earlier no-first use declaration made on October 17, 2006:

"It [the DPRK] conducted the nuclear test under the conditions where its security is fully guaranteed and clearly declared that the DPRK, a responsible nuclear weapons state, would never use nukes first and will not allow nuclear transfer."[37]

This statement is obviously aimed at the ROK and Japan, both of which are allied with the United States and are shielded by its considerable arsenal of nuclear weapons.

Having now obtained its own "nuclear deterrent" force, the DPRK may be much less interested in obtaining negative security assurances that entail complete denuclearization. Indeed, they have announced explicitly that they were no longer especially concerned about normalizing relations with the United States—arguably the goal of their slow motion proliferation behavior from 1991-2008, but instead were committed to retaining an independent nuclear force. On January 17, 2009, the DPRK Ministry of Foreign Affairs declared flatly: "It is the reality on the Korean Peninsula that we can live without normalizing the relations with the U.S. but not without nuclear deterrent."[38]

So as things sit right now, a conventional conflict on the peninsula could quickly turn nuclear. If the DPRK were to attack the ROK or Japan, the United States might initiate the use of nuclear weapons – although this is, in practice, unlikely. If the DPRK denuclearizes and returns to the NPT, it would not be subject to nuclear scenarios despite its alliance with China. Japan and the ROK, on the other hand, would remain subject to DPRK threats of first-use despite their continuing compliance with their obligations under the NPT.

Many South Korean security analysts are understandably unimpressed by concerned about this asymmetry. Who can say with confidence what Pyongyang means by "the act of invading or attacking us in conspiracy with nuclear weapons states?" After all, Korea is already at war in a legal sense—so who is invading whom? And what exactly do the North Koreans mean by a "conspiracy" and how would they determine whether Seoul or Tokyo was conspiring or not? Someone needs to send a patient lawyer to the North to explain how declaratory doctrine and arms control texts are constructed and need to be separated carefully from propaganda statements, whatever the audiences.

In the current context of high tension and inflammatory rhetoric following the sinking of the *Cheonan* and the attack on Yeonpyeong Island, the negative security assurance will likely not be an important factor in bringing about the resumption of talks, either hosted by Beijing involving the Six Parties, or bilaterally with the United States. Nonetheless, the reformed negative security assurance is an important shift in American declaratory doctrine, and one that offers future North Korean negotiators a realistic political -- and potentially a legally binding -- guarantee of the kind that they sought many times in the past.

Assuming that the current turbulence subsides, it would be prudent for the North Koreans to study the US revision carefully, and to think about how their own declaration might be revised to reduce the probability that nuclear war might ever break out on the Korean Peninsula.

The Future Agenda

Although Seoul has invited the DPRK to attend the Seoul Nuclear Security Summit in March 2012, the DPRK is highly unlikely to attend, given all the finger pointing and wagging that would go on aimed at its nuclear program. Instead, in the absence of an international agreement, it likely intends to complete and turn on its indigenous small light water reactor in 2012, and ramp up its enrichment program to supply fuel for the reactor—or nuclear weapons using enriched uranium.

Should the states party to the Korean conflict decide to engage with the DPRK in early 2013, the nuclear negotiating agenda is already obvious. The DPRK will demand resumption of reactor construction suspended by KEDO in 2003[39] and the logical path starts with its halting construction (or operation) of the home-made, unsafe light water reactor currently under construction at Yongbyon in exchange for a safe, small reactor program in cooperation with South Korea or Russia. The DPRK's enrichment program presents an even greater challenge, but solutions can be envisioned whereby the DPRK reveals all (it almost certainly has enrichment-related sites beyond the plant revealed at Yongbyon to American visitors in November 2010) and secures access to fuel through a regional consortium. This would require North Korea to dismantle any enrichment facilities as part of a larger energy system reconstruction program focused on its failing grid, coal, and hydro-powered plants.[40]

Such collaboration seems inconceivable in October 2011. But the pendulum of cooperation versus conflict swings rapidly and even wildly in Korea, partly a function of inter-Korean relations (in turn a function of who is in charge of the Blue House and the opaque inner-workings of the DPRK), and partly a function of the external context (especially US-China relations). No one foresaw the speed of the shift from free fall towards war in May-June 1994 to the signing of the US-DPRK Agreed Framework in Geneva on October 21 that year—a framework that initiated a decade of constraints on the DPRK nuclear breakout, and might have led to a non-nuclear Korea instead of the current nuclear-armed DPRK of today were it not for strategic errors made by both the DPRK and the United States in the course of implementing the Framework.

Relying on the roller-coaster ride of containment and deterrence—without an institutionalized framework for dialogue, engagement, and reassurance undergirded by a robust conventional force capable of denying the DPRK any notion of "victory" in case of war—is proving to be hazardous to everyone's health in the region. It is time to think again, much deeper, and much harder, about what kind of regional security framework will reverse the DPRK's nuclear course, and nurture great power concert to resolve critical security

issues in the region without resorting to force, let alone the threat or actual use of nuclear weapons.

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Notes

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[27] Commander in Chief, U.S. Pacific Command (CINCPAC), *Command History 1992*, , October 29, 1993, Volume 2, p. 388, 392, pending digital publication by Nautilus Institute.

[28] The precise agreement by both Koreas at that time was: "The South and the North shall not test, manufacture, produce, receive, possess, store, deploy or use nuclear weapons." The text of this declaration is on-line.

[29] The reader may wish to note here that the issue of Chinese or Russian stationing of nuclear weapons in the DPRK was not a subject of discussion in these negotiations. However, during the Cold War, the DPRK did allow Soviet long range, nuclear-capable bombers to overfly the DPRK, and Soviet warships also visited DPRK ports. The DPRK also often referred in its public statements to the terrible nuclear destruction that would ensue should it be attacked at this time, thereby effectively invoking a diluted form of nuclear extended deterrence from Russia and China, whatever their stated policies with regard to providing nuclear extended deterrence to their allies. Some of the DPRK allusions are found in P. Hayes, *Pacific Powderkeg, American Nuclear Dilemmas in Korea*, Lexington Press, 1990, p. 135, link.

[30] The text stated: "The Democratic People's Republic of Korea and the United States have agreed to principles of: - Assurances against the threat and use of force, including nuclear weapons; - Peace and security in a nuclear-free Korean Peninsula, including impartial application of full scope safeguards, mutual respect for each other's sovereignty, and non-interference in each other's internal affairs; and - Support for the peaceful reunification of Korea." The full text is available here.

[31] The US statement of intention was matched carefully and therefore contingent upon the adherence by the DPRK statements of intention to " consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula" and "engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue." The text of the Agreed Framework is on-line.

[32] Readers should note that the delay between signing and ratification of the NPT by the DPRK was itself a form of non-compliance, of much concern at the time; and that its initial declaration to the IAEA of its nuclear facilities was found to be false, rendering it in non-compliance with its IAEA obligations from the very outset.

[33] The full text of the statement is on-line.

[34] This section draws from our "The DPRK and the Warsaw Clause: An Unnoticed Change in US Nuclear Policy," NAPSNet Policy Forum, July 28, 2011, link.

[35] The Clinton Administration conditioned its 1995 negative security assurance on a state being in compliance with its nuclear nonproliferation obligations. See Secretary of State Warren Christopher, "Declaration by President Clinton regarding America's commitment not to use nuclear weapons against non-nuclear members of the nuclear Non-Proliferation Treaty (NPT)" (6 March 1995, link) (searched date: 30 September 2010).

[36] "Foreign Ministry Issues Memorandum on N-Issue", Korean Central News Agency, (21 April 2010, link). (searched date: 30 September 2010). Korean language version here. (searched date: 30 September 2010).

[37] "DPRK Foreign Ministry Spokesman Totally Refutes UNSC Resolution" Korean Central News Agency, (17 October 2006, link). (searched date: 30 September 2010).

[38] "DPRK Foreign Ministry's Spokesman Dismisses U.S. Wrong Assertion," Korean Central News Agency, (17 January 2009, link). (searched date: 30 September 2010).

[39] "KEDO Suspends Construction of Nuclear Reactors," *Arms Control Today*, December 2003, link.

[40] The requirements for such an engagement are spelled out in P. Hayes, D. von Hippel, *Engaging the DPRK Enrichment and Small LWR Program: What Would It Take?*, NAPSNet Special Report December 23, 2010, link.