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Given the slow - albeit important -- progress that has been made in the process of North Korean denuclearization, it is clear by now that the task of finding a final verifiable resolution will inevitably be handed over to the next U.S. administration. Simply there is too much work to be done and not enough time left for the Bush administration.

It would probably take at least three or four more years of "action for action" engagement with the DPRK to dispose its last nuclear weapon, if the next U.S. administration would stay the current course of engagement without elevating its diplomatic format to a higher level that could include a summit meeting between the United States and the DPRK.

It appears very likely that more progress will be made toward denuclearization through the current multilateral format of Beijing talks by the end of this presidential election year for the United States, but not without more U.S.-DPRK bilateral negotiations. The question for now is how much more progress would be made before handing the issue over to the next administration.

Perhaps one of the toughest hurdles in the path to complete denuclearization is the same lack of trust between Washington and Pyongyang that triggered the first nuclear crisis in 1994 and the second crisis after a nuclear test in October 2006. North Korean leader Kim Jong Il would likely make his final decision to give up nuclear weapons only when he feels comfortable to trust the United States.

The late "great leader" Kim Il Song told former president Jimmy Carter in 1994 that the fundamental problem between the U.S. and the DPRK is lack of mutual trust and therefore the main task for both countries is to "create trust" as a first step to improved relations. [1]

Kim Il Song and Jimmy Carter

In the face of the serious problem of distrust, the United States accepted North Korea's proposals for taking simultaneous actions in the 1994 Agreed Framework -- a practical solution, although not fully satisfactory -- between the two hostile and distrustful parties. And again in the September 19, 2005 Joint Statement of the Six Party Talks, the United States agreed to the adoption of an "action for action" approach. The statement was a land mark document, committing the DPRK to

"abandoning all nuclear weapons and programs for the verifiable denuclearization of the Korean Peninsula.

The North Koreans have argued that they cannot unilaterally disarm themselves by giving up nuclear weapons first before they receive corresponding economic and political rewards for nuclear dismantlement. They have also pointed out that the two countries are still technically at war, claiming that the United States maintains hostile policy against their country. They would frequently refer an analogy to the situation where two adversaries are aiming their guns at each other and no one should drop his gun first. The North Koreans further insisted that since North Korea would never capitulate to U.S. pressure or threat, the only way to defuse the confrontation would be for both sides to put down the weapons respectively but at the same time. This was the basic logic to North Korea's rationale for "the principle of simultaneous actions."

Make no mistake about the challenge of nuclear negotiation. It primarily involves two distrusting parties - the U.S. and the DPRK - that have a long history of hostility. In theory trust would be built incrementally by moving forward along the process of reaching phased agreements and verifiably implementing them.

As long as distrust remains the key impediment, any agreement would be meaningless unless its implementation is thoroughly verified. A successful path to denuclearization requires verification in every step of the implementation of agreement. It is not by accident that the Republican Bush administration puts so much importance on verification, reminding itself of Ronald Reagan's Cold War adage, "Trust and Verify." Secretary of State Condoleezza Rice, speaking recently at the Heritage Foundation, made it clear that the United States "will not trust North Korea to fulfill its commitments" and therefore the United States would "insist on verification." [2]

The Bush administration took an abrupt about-face in North Korean policy in late 2006, when the Neocons lost influence in Washington as a result of Congressional power shift from Republicans to Democrats. Since then the Bush administration has engaged North Korea intensely to resolve the nuclear issue. Yet the light at the end of the tunnel is not in sight amid the unyielding skepticism of the anti-engagement conservatives, who believe that the DPRK will never give up its nuclear weapons. [3] And the prolonged nuclear saga will continue beyond the American presidential election this fall.

For six long years following his inauguration, President George W. Bush had deliberately refused to negotiate with the North Koreans bilaterally even within the framework of the Six Party Talks. It was a wishful thinking that North Korea would surrender to multilateral pressure or it would somehow collapse. Bush may have really believed that he could end tyranny in the world and spread freedom and democracy to the Middle East and beyond by going to war with Iraq, while refusing to talk to the rogue states like North Korea and Iran.

President Bush's menacing security doctrine of preemption with a first nuclear strike, as well as his failure to predict the defiant North Korea's reaction, and his public abhorrence of Kim Jong Il, all contributed to the emergence of a nuclear North Korea with a significant arsenal. North Korea became more troublesome and more costly to deal with than before.

On the positive side the Bush administration's transformed policy for the last year and a half has yielded significant progress. The DPRK's plutonium production facilities at Yongbyon - including a 5-magawatt reactor, a reprocessing plant and a fuel fabrication facility -- were shutdown and they are approximately 80%

disabled. According to American nuclear specialists, including Siegfried S. Hecker, a former director of the Alamos National Laboratory, it would take at least a year to undo the disablement to restart. The current state of disablement alone is a significant step forward from where the Clinton administration had left off with the Agreed Framework in place, which had kept Yongbyon under freeze until the Bush administration bungled on North Korea by ending the Agreed Framework.

The Yongbyon facility

Now the DPRK is not producing additional fissile material to increase its nuclear arsenal. Whatever the real reason may be for North Korea's apparent decision to abandon or to dismantle the Yongpyon facilities -- that are decades old but still working with proper maintenance by live-or-die North Korean workers, who can extend the normal life cycles of industrial facilities and equipment -- they seem to believe they have enough plutonium in their hands for the survival of their regime and to use it for political and negotiating purposes. As few as four nuclear bombs - not 40 - would be enough for North Korea to threaten and deter attack from the United States and its South Korean ally.

If the DPRK decide to eventually give up the bombs under acceptable conditions, continued production of plutonium would be an unwanted investment of scarce resources, which could be more constructively used to turn around its impoverished economy. An increase in its nuclear arsenal would only deprive North Korea of a hard-won opportunity to receive the badly needed economic aid from the international community.

The disablement of the nuclear facilities and a declaration of Pyongyang's nuclear programs are five and a half months overdue according to the Phase II requirements of the February 13, 2007 agreement. This delay was believed to have been caused largely by the North's failure to address U.S. concerns about the suspected uranium enrichment (UE) program until a recent disclosure of the North Korean nuclear collaboration with Syria. [4]

The Bush administration belatedly but rightly started to focus on plutonium. The 19,000 pages of documents the North Koreans turned over to Washington are still being reviewed at this writing as part of an effort to verify the correct amount of plutonium that the North Koreans had extracted from spent fuel rods. The North Koreans initially said they had accumulated 30 kilograms of plutonium. Now it says it produced a total of 38 kilograms, an amount still smaller than U.S. estimates of 40 to 50 kilograms, which would be enough to make 6 to 10 bombs. [5]

U.S. envoy Sung Kim bearing North Korean documents

According to the widely reported press accounts of the Singapore agreement reached between DPRK chief negotiator Kim Gye Gwan and his U.S. counterpart, assistant secretary of state Christopher Hill, the North would acknowledge U.S. concerns about its UE program and its alleged proliferation of nuclear technology to Syria.

This sort of a vague formula --- that may serve as a face saving ploy for Pyongyang -- deepened concerns among the conservatives in Washington about the impression that the U.S. negotiator was going to downplay the issue of North Korea's uranium enrichment program. The United States "knows that North Korea has pursued a uranium enrichment program, but does not know exactly its full extent." [6]

The Bush administration has said it has the evidence but never made it public. During a visit to Pyongyang in October 2002, assistant secretary of state James Kelly told the North Koreans that the United States had compelling evidence that the DPRK was "pursuing a uranium enrichment program" to produce nuclear weapons. After a meeting with North Korean first vice minister of foreign affairs Kang Suk Ju, the U.S. delegation concluded that North Korea had acknowledged its uranium enrichment program. [7] However, shortly afterwards the DPRK started denying its initial acknowledgement first through the KCNA - Korean Central News Agency - and later at the Six Party Talks. The DPRK's denial is still adamant.

While Washington recently wanted to know what the North Koreans did with the materials and equipment that they had purchased for an apparent UE program, no evidence is available to support the possibility that such a program had developed to an industrial scale. Under these circumstances, it made sense for the Bush administration to move on to the more tangible issue of the North's nuclear programs - plutonium. As former defense secretary William J. Perry wrote jointly with Siegfried S. Hecker in The Washington Post, "It's the plutonium, stupid." [8]

In my view the Phase II requirements for a declaration should have been built in over two phases: a declaration on the plutonium program in the Phase II and a separate declaration of Pyongyang's UE program in a Phase III agreement, which should also include negotiated conditions for the final dismantlement of the plutonium production facilities and disposal of all fissile materials and nuclear weapons.

A two-phase declaration could have enabled the six party process to move forward to the Phase III of negotiation more quickly. Discussion of a light water reactor for North Korea will be taken up at "an appropriate time" according to the September 19 Joint Statement. "An appropriate time" could come when the plutonium weapons program is completely resolved in a verifiable manner. Since assistant secretary of state Christopher Hill said "an appropriate time" would come only when the "elimination of all nuclear weapons and nuclear programs is completed," [9] the situation has changed in Washington and progress was made in Beijing. The UE issue could be dealt with more effectively at Phase III and the final round of negotiation, when the United States and the DPRK may have less suspicion of each other.

The idea of requiring the DPRK to file a complete declaration of all nuclear programs in the Phase II seemed rational from the perspective of process, inasmuch as it was necessary for Washington politics of North Korean policy. But it was not a pragmatic plan in view of the predictability that the North Koreans would never acknowledge in the six party talks that they had or have a UE weapons program. North Korea has never admitted any charges against it, including the charges of counterfeiting and other illicit transnational activities. Denial and stonewalling is a trait of

North Korean negotiating style.

When Jack Prichard, a former U.S. nuclear envoy, visited Pyongyang last April, he was told by his North Korean interlocutor Kim Gye Gwan, vice foreign minister, that the North promised to be "very cooperative" with the United States on plutonium but refused to "acknowledge the validity of U.S. UE concerns." [10] Pyongyang wants to take three years to dismantle its plutonium facilities, during which it would ask the United States and other parties in the nuclear talks to build light water reactors. [11]

Prichard also brought back a message from Pyongyang that North Korea wants to be recognized as a nuclear power and that it did not agree to disclose information on its weaponization of plutonium or on how many nuclear weapons it has. Kim Gye Gwan was quoted as saying that the DPRK would consider talking about giving up nuclear weapons only after "full and final normalization of relations." If this is true, the positions of the two negotiating parties are completely reversed.

Until the third round of the Six Party Talks in 2004, the Bush administration had a "denuclearization first policy" before rewarding the North for nuclear dismantlement. Pyongyang's desires for a peace treaty and a normalized relationship with the United States would only be considered after North Korea would have met a long list of U.S. demands, including a complete verifiable irreversible dismantlement (CVID) of all nuclear weapons and programs. If the DPRK's new position is to seek "normalization first," it would compromise the "principle of simultaneous action" that the North Koreans insisted on as their negotiating strategy since 1994.

Without getting the plutonium and the nuclear weapons out of North Korea, denuclearization would not be complete, and the security situation on the Korean Peninsula would remain perilous as ever and certainly worse than before the eruption of the second nuclear crisis. In order to live up to the purpose of the Six Party Talks that is to achieve a denuclearized Korean Peninsula, the future rounds of nuclear talks should focus on ways to completely dismantle the disabled facilities and to eliminate the plutonium and nuclear weapons from North Korea. A Phase III agreement should include specific steps for the verification of final dismantlement and disposition.

As part of the Phase II deal, it is expected that the United States will delist the DPRK as a sponsor of terrorism and suspend the application of the Trading with the Enemy Act to North Korea in return for the DPRK's completion of disablement and its filing of a verifiable declaration of its nuclear programs. If the DPRK's declaration does not include information on the nuclear weapons that it has produced, it will likely create a major stumbling block to the process of removing the DPRK's designation as a terrorism sponsor. Any declaration excluding the accurate number of nuclear weapons or information on North Korea's technology for weaponization of plutonium would be construed as an indication that the DKPR is not serious about complete denuclearization.

For the DPRK to be removed from the list of terrorism sponsors, the U.S. administration must notify Congress of its decision of delisting 45 days prior to its effective date, and such action by the administration would be subject to Congressional acquiescence as a minimum. In other words, Congress can vote against the delisting, if it deems it necessary. In light of the persisting skepticisms about the DPRK regime among many members of Congress, a delisting decision would likely face resistance in Congress unless the DPRK files a "complete declaration" as agreed upon by the Phase II arrangement.

On the other hand, lifting of the application of the Trading with the Enemy Act to North Korea is less complicated for the administration to implement. Even after freeing North Korea from these two legal sanctions, the United States will retain many other statutory measures and institutional influence to press North Korea for progress on denuclearization or even to punish it if necessary without using force. [12] "Just about every restriction that might be lifted will be…kept in place because of different U.S. laws and regulations." [13]

In conclusion, the DPRK is still carefully calculating the benefits and the risks at every step of moving toward the presumed final destination of denuclearization. In the DPRK decision makers' calculation, their perception of a weakened U.S. position stemming from the costly, unpopular Iraq war and the changing domestic political scene in Washington would be an important factor of consideration. The currently strained state of inter-Korean relations is not conducive to progress in the denuclearization process.

Final denuclearization would require the normalization of relations between the United States and the DPRK, for which the United States would begin discussion when the outstanding issues of "human rights abuses, biological and chemical weapons programs, ballistic missile programs and illicit activities" showed signs of resolution. [14] Any way one looks at the prospects of the six party process, it clearly has a long way to go yet with many difficult problems to surmount in the path.

Regardless of who becomes the next president of the United States, this process is likely to continue to run its own course. Washington politics is as much a problem as Pyongyang's reluctance from distrust is to the completion of denuclearization. And the nuclear game will go on.

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Notes

1. Don Oberdorfer, The Two Koreas, p 327
2. Secretary Rice's address on "U.S. Policy Toward Asia," June 19, 2008.
3. At this point, Washington does not think Kim Jong Il has made up his mind to give up his nuclear weapons. In the June 19 address, Rice said, "It may very well be the case that North Korea does not want to give up its nuclear weapons and the nuclear programs. That is a very real possibility."
4. White House spokeswoman Danna Perino said on April 24, 2008, "We are convinced, on a variety of information, that North Korea assisted Syria's covert nuclear activities" This statement was made after U.S. intelligence officials briefed Congress on North Korea's alleged proliferation activity. Although proliferation was not an agreed agenda for the Six Party Talks, North Korea's nuclear collaboration with Syria is already complicating the denuclearization process. The suspected Syrian facilities were destroyed by Israel last fall beyond repair.
5. The New York Times, May 31, 2008.
6. Rice's June 19, 2009 speech at the Heritage Foundation.
7. Tong Kim, "Off the Record on HEU" The Korea Times, April 8, 2008; Jack Pritchard, Failed Diplomacy, chapter 2, Yoichi Funabashi, The Peninsula Question, chapter 3.
8. The Washington Post, May 13, 2008
9. Statement of assistant secretary of state

Christopher Hill, made after the adoption of the September 19 Joint Statement at the close of the fourth round of the Six Party Talks.

10. KEI website: "North Korean Officials Share Thoughts with KEI Staff." Also The Washington Post, May 30, 2008.

11. After James Kelly's visit to Pyongyang in October 2002, the KEDO Project to construct two Light Water Reactors (LWRs) was suspended. $1.5 billion had been invested in the project, for which South Korean paid most of the cost, while the United States provided 500,000 tons of heavy fuel oil annually.

12. For details, read Scott Rambrandt, "'Peace in Our Time" at What Cost?" in KEI's monograph U.S. And ROK Policy Options, pp 115-135

13. Secretary Rice's June 10, 2008 speech at the Heritage Foundation.

14. Assistant secretary of state Christopher Hill's statement at the close of the fourth round of the Six Party Talks, September 19, 2005.