

# JOINT U.S.-KOREA ACADEMIC STUDIES Towards Sustainable Economic & Security Relations in East Asia: USANDROK POLICY OPTIONS



### CONTENTS

Preface
U.SROK Security Relations
Strategic Abandonment: Alliance Relations in Northeast Asia in the Post-Iraq Era Daniel Sneider
Korea's Domestic Base for Alliance with the United States   Lee Sook-Jong 23
U.SROK Economic Relations
Issues in U.SROK Economic Relations Kozo Kiyota and Robert Stern
Cultural Integration Between the United States and Korea: Looking Beyond the Free Trade Agreement
<i>Mo Jongryn</i>
Can a Deal Be Done? The DPRK Nuclear Question Revisited
Lessons from the North Korean Nuclear Issue Gregory F. Treverton
"Peace in Our Time" at What Cost? Possible Financial and Legal Implications of Denuclearizing North Korea Scott Rembrandt
A Real Deal or a Political Masquerade? The North Korean Nuclear Question Revisited
Lee Jung-hoon
East Asia's Economic and Security Regionalism: Old Constraints and New Prospects
Turning the Six-Party Talks into a Multilateral Security Framework for Northeast Asia
Gilbert Rozman
Vinod K. Aggarwal and Min Gyo Koo
Korean Soft Power: Transnational Cultural Flows, Korean Film, and Diplomacy in East Asia
"Guests" of the Dear Leader: Shin Sang-ok, Choi Eun-hee, and North Korea's Cultural Crisis
Kim Suk-young

### LESSONS FROM THE NORTH KOREAN NUCLEAR ISSUE

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#### CONTENTS

- I. Introduction
- II. Limits of Military Options
- III. Question of Sanctions
- IV. Stooping to Understanding . . . and Carrots
- V. Incentives and Nuclear Regimes
- VI. Living with the Unthinkable

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#### I. Introduction

The world can only hope the recent U.S.-North Korean bilateral discussions will revive the six-power talks and lead to Pyongyang's renunciation of its nuclear weapons ambitions. Hope, however, is not policy, and recent events resemble the old line about Soviet communism as the long hard slog from capitalism to capitalism. In this case, much of the past six years seems a long, tortured march from direct U.S.-North Korean discussions to . . . direct U.S.-North Korean discussions. For all the hope, a betting person would not stake the ranch that the near future will see an end to North Korean nuclear weapons options.

Part of the reason why is that nuclear "options" can cover a multitude of sins. Most immediately, North Korea seemed to agree to dismantle production facilities but not destroy existing weapons (DOS 2007). More generally, the current international approach permits, virtually encourages, states to go right to the brink of nuclear weapons so long as their activities are declared to and occasionally visited by international inspectors. That is a shortcoming of long standing but one that policy could address—all the more so as high energy prices revive interest in nuclear power. That "lesson" is one among several this paper addresses, in a speculative fashion. Its aim is to learn lessons from or be reinforced by the North Korea case for the purposes of future policy, especially with regard to Iran.

This paper begins with military options—prevention and preemption. Then it turns to the diplomatic track where it looks first at negative sanctions, economic and political. Yet having exhausted other options, the United States turned in the 1990s to positive incentives even with regard to a regime as odious as North Korea's. The paper then rehearses the perverse incentives at play in what remains of nonproliferation policy. Finally, it asks about the consequences of failure: What will living with new nuclear powers mean?

#### **II. Limits of Military Options**

It is hard to recall now, but before the Iraq debacle a "Bush doctrine" of national security was emerging, one that was stunning in its ambition. That doctrine was anticipatory, preemptive, and unilateral if need be. It focused on terrorism and on weapons of mass destruction (WMD). Yet, from the start it was bedeviled at its core by legitimacy and capacity, critically including the capability of U.S. intelligence. Although the United States has plenty of military power to take out whichever miscreant state it chooses, for all the technical wizardry of its intelligence it still lacks the ability to locate and target WMD preemptively with precision. Indeed, determining whether a potential adversary such as North Korea or Iran is even developing and deploying

nuclear, chemical, and biological weapons will continue to prove difficult. Taking out a foe's real—or suspected—WMD is likely to continue to require taking out the foe.

In his 2002 national security strategy, the president was explicit about acting first (White House 2002, 14–15): "We must be prepared to stop rogue states and their terrorist clients before they can threaten or use weapons of mass destruction against the United States and our allies and friends . . . To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act pre-emptively." Or, as he put it more colorfully in his speech to the nation on 19 March 2003 (Bush 2003a): "We will meet that threat now, with our Army, Air Force, Navy, Coast Guard and Marines, so that we do not have to meet it later with armies of fire fighters and police and doctors on the streets of our cities." He had foreshadowed the new strategy in his speech at West Point in June 2002 (Bush 2002): "By confronting evil and lawless regimes, we do not create a problem, we reveal a problem. And we will lead the world in opposing it [sic]."

In making its case for war, the administration did not point to a specific set of deployments or threats that would have constituted the grounds for "anticipatory self-defense" under international law. Instead, the administration argued that, given its nature, Iraq would pose a threat to international peace if it came to possess WMD. As Bush said in his 2003 State of the Union address (Bush 2003b [emphasis added]), "The gravest danger facing America and the world is *outlaw regimes that seek and possess* nuclear, chemical, and biological weapons."

In other words, democratic France might be trusted with nuclear weapons, but Saddam Hussein surely could not. Saddam could not be deterred with any certainty. Nor could Saddam be trusted not to transfer weapons to other rogue states or terrorist groups, even though the evidence connecting Saddam Hussein to terrorism was weak at best. Thus, he had to be denied access to them. In Bush's words (Bush 2001): "We must work together with other like-minded nations to deny weapons of terror from those seeking to acquire them." The words of the day applied to Saddam, but the logic was the same for Kim Jong-il and Mahmoud Ahmadinejad.

While meeting the WMD "threat now, with our Army, Air Force, Navy, Coast Guard and Marines, so that we do not have to meet it later with armies of fire fighters and police and doctors on the streets of our cities" was logical, the then emerging Bush doctrine of preemption or preventive war places stresses on intelligence that it could not bear then and cannot bear now.

America's capacity for ISR—intelligence, surveillance, and reconnaissance—is unparalleled, in a class by itself in the world. It is also improving rapidly. However, its shortcomings are virtual descriptions of features of foes' WMD programs. Existing ISR is not good at detecting objects that are hidden under foliage or concealed or, especially, underground. Nor is it good at locating objects precisely by intercepting their signals. Would-be proliferators will take pains to conceal their facilities or change the pattern of activities at weapons sites, as India did before its 1998 explosion of a nuclear weapon.

None of the limitations on U.S. capacity will change dramatically, at least not soon. Progress is most apparent in locating moving objects using satellites and, especially, unmanned aerial vehicles (UAVs) (and, soon, expendable optical sensors launched from airplanes) although sorting out such objects from other "traffic" or ground clutter will continue to remain demanding. Predator and Global Hawk UAVs came of age in Iraq (Schmitt 2003).<sup>1</sup> They flushed out Iraqi air defenses, targeted missiles, and provided real-time video surveillance of every mission. The armed version of the smaller, lower-flying Predator fired more than a dozen Hellfire missiles, and it was a Predator operated by the Central Intelligence Agency that last fall blasted a car in Yemen, killing a suspected Al Qaeda operative and five other occupants of the vehicle.

Doing better at locating and targeting moving objects will surely be important at the opening of any war, especially one involving the possible use of WMD. That capability, though, would seem marginal for preempting nascent WMD facilities. Other technical innovations in intelligence will help identify suspicious facilities. Hyperspectral imagery, for instance, can contribute to what is called MASINT (measures and signatures intelligence) by permitting analysts to identify the composition of facilities and their emissions.

Iraq and North Korea point to the limits of a preventive or preemptive national security strategy. Months of scouring produced nothing of proscribed WMD in Iraq. Yet, for all the postwar debate over intelligence about WMD before the attack on Iraq, U.S. wartime intelligence was impressive. As in Afghanistan, with absolute air supremacy, U.S. intelligence had layers of sensors from satellites to UAVs to the tactical intelligence aboard warplanes and with both advance special operations forces and advancing main force units.

The latest advance in what used to be called "all source analysis"—that is, putting together indicators from the various intelligence sources, or INTs—and what later was called "fusion" is now "multi-INT." It involves teams of computer-savvy analysts, using today's robust communications to very quickly put together satellite and aircraft imagery (or IMINT) with intercepted signals (or SIGINT) with any human-source

<sup>1.</sup> The various UAV programs are comprehensively surveyed in a CRS report; see Bone and Bolkcom (2003).

intelligence (or HUMINT)—for instance, defector reports or interviews with recently captured Iraqis.

Throughout the Iraq War, the communication problems that had hampered U.S. operations in earlier conflicts, including Afghanistan, have been much less in evidence. There has been much better intelligence coordination between ground and air forces, enabling air strikes against enemy ground forces with fewer casualties to friendly forces (O'Rourke 2003, 59–60). In the fog of war, U.S. forces occasionally have been surprised and sometimes made mistakes, but U.S. intelligence let them learn where enemies were and target them with precision weapons to a degree unprecedented in the annals of warfare.

Still, for all the political debate over intelligence in the run-up to the Iraq war—especially the infamous October 2002 estimate confidently concluding that Iraq did have WMD—it was plain that U.S. intelligence was far from good enough to identify, let alone target, specific Iraqi biological, chemical, or nuclear weapons with any precision (Commission 2005; Butler 2004). Whether Iraq successfully hid evidence of its WMD, or moved it on the eve of war, or didn't have much, the United States couldn't locate what it did have—before or after the war (al-Marashi 2003).

And in many respects Iraq was a convenient case, if not an easy one. Not only had the United States and its intelligence agencies been working on the country solidly for more than a decade, it also had earlier been Iraq's ally during the war with Iran. Iraq's prominence among U.S. national security concerns ensured regular collection of all kinds against Iraqi targets, and U.S. analysis had a constancy and depth during that decade that distinguished Iraq from many other topics. Moreover, although the UN weapons inspectors (United Nations Special Commission or UNSCOM) left Iraq in 1998, their years of work provided at least some baseline for later efforts by the United Nations Monitoring, Verification and Inspection Commission, or UNMOVIC.

Korea was a harder case for the would-be preemptor. As one illustration, U.S. intelligence has judged since the mid-1990s that North Korea had enough plutonium to build one or two hidden nuclear weapons (NIC 2001). But it has had little idea where those weapons, if they exist, might be located in North Korea's mare's nest of underground tunnels. The recurring North Korean crises also serve as a reminder of how hard it is for intelligence to know of, let alone locate, and still less target incipient WMD programs. During the summer of 2002, U.S. intelligence concluded that, in addition to its known plutonium facilities, North Korea was operating a covert uranium enrichment program. The program apparently began in the late 1990s, but U.S. intelligence only confirmed its existence through activities during 2001, including extensive North Korean purchases of materials for construction of a gas-centrifuge enrichment facility. The Central Intelligence Agency (CIA 2002) contended in

November 2002 that the facility was at least three years from becoming operational, but analysts believed that a completed facility could ultimately produce sufficient fissile material for "two or more nuclear weapons per year."

Sheer numbers and warning time compound the problem of destroying North Korea's WMD. For delivery vehicles, North Korea has an estimated 12,000 artillery tubes and 2,300 multiple rocket launchers that, from their current emplacements, are capable of raining 500,000 shells per hour on U.S. and South Korean troops. Five hundred long-range artillery pieces are able to target Seoul, which is only about 20 miles from the demilitarized zone (DMZ) separating North and South Korea (Stanley 2003).

By one estimate, much of North Korea's forward-based force is protected by more than 4,000 underground facilities in the forward area alone, including tunnels under the DMZ to rapidly insert forces behind the defenders. Warning times for the United States and South Korea would be short—24 hours or less—if North Korea invaded from this forward-leaning posture.

Not surprisingly, history is also cautionary in lessons about preemption. The major nuclear crisis on the Korean peninsula erupted in 1993 when North Korea was caught extracting bomb-making plutonium from spent reactor fuel from its five-megawatt research reactor at Yongbyon. The United States came close to war, and there was much talk in Washington and Seoul about "surgical strikes" against these nuclear facilities. In the end, the Clinton administration took the path of negotiation. Given the proximity of the North and its weaponry, the death toll from war could have run into the hundreds of thousands, with large-scale casualties among the 37,000 U.S. GIs stationed in South Korea. The eventual result was the Agreed Framework of 1994, under which the United States, South Korea, and Japan agreed to provide fuel oil and two light-water reactors (LWRs) in return for North Korea suspending its nuclear program.

For all the fecklessness of the remaining shards of the international nonproliferation regime, North Korea and Iraq suggest both the value and the limits of on-site inspections such as those conducted by UNMOVIC and the International Atomic Energy Agency (IAEA) in buttressing national intelligence rather than depending on national intelligence means alone. On the downside, no system of international inspection can be foolproof, not least because nations can dismiss the inspectors, as North Korea did with the IAEA in 2002. And inspectors will almost always be too few in number and too limited in their ability to conduct surprise inspections anywhere in a country. UNSCOM's years of inspections in Iraq in the 1990s were a cat-and-mouse game of Iraqi restrictions and UNSCOM pushing against those restrictions.

According to one analyst (Sokolski 2002), it would not be possible to verify a North Korean commitment to freeze or dismantle its uranium program. Instead of running 3,000 centrifuges at one site to produce several bombs' worth of uranium per year, groups of centrifuges could be hidden in some of the country's thousands of caves— precisely the fear in the case of Iran. Unlike North Korea's declared plutonium production facilities, whose locations are known and whose operation can be detected by satellite, much of North Korea's uranium enrichment program appears to be out of sight at indeterminate underground locations. With centrifuge enrichment technology, there is much less need to centralize production at a single site than is the case for plutonium production, so checking materials against some single manifest is not possible.

Yet the contrast of the two countries also suggests the value of on-site inspection. There were few baseline data on Pyongyang's nuclear activities. In contrast, although the UNSCOM inspectors were harassed, they did fan out across Iraq for seven years, from 1991 through 1998, visiting both declared and undeclared sites. The IAEA also managed to locate the elements of Iran's nuclear program, albeit only after an Iranian dissident group disclosed the existence of some of the regime's secret facilities. In contrast, IAEA inspectors conducted only one routine inspection of North Korea's declared nuclear facilities, and that was 10 years ago. Iraq also suggests the value of cooperation between international inspectors and national intelligence when that is possible (Carrington 2003). As the prospect of war loomed, the earlier sensitivities about information sharing between U.S. intelligence and a UN body, UNMOVIC, diminished. U.S. U-2s along with other allied aircraft began flying reconnaissance for UNMOVIC, giving the inspectors much more capacity to see developments at suspected facilities over time.

Other circumstances no doubt will circumscribe how closely U.S. intelligence can cooperate with international inspectors, but Iraq drives home the desirability of doing so when it is possible. If the United States contemplates preventive or preemptive action, in principle it will want the widest possible international support and authorization for doing so. Yet, as Iraq demonstrated, that is precisely what it cannot get. The problem arises not from the fecklessness of the UN but rather from asking nations to take hard, potentially dangerous decisions about dealing with threats that have not yet occurred and whose imminence is a matter of judgment.

In those circumstances, the United States will want to make the best case it can. Ideally, it will want an "Adlai Stevenson moment," after the time in 1962 when the U.S. ambassador to the UN brandished incontrovertible images of Soviet missile bases in Cuba—photographed from a U-2 spy plane. Otherwise, even if intelligence is good enough to undertake the military preemption, the United States will run the risk of looking like a bully, with rules for others but none for itself.

#### **III.** Question of Sanctions

If military preemption is unpromising, what about the next step down the level of coercion-sanctions, both economic and political. At first blush, the prospect of economic punishment would not seem a promising instrument for North Korea, a country that was prepared to let a million of its people starve to death.<sup>2</sup> Indeed, the literature is cautionary on the circumstances in which sanctions can work (Hufbauer, Schott, and Elliott 1990). To have much economic effect, the country being sanctioned must be vulnerable, the stakes in the countries of those imposing the sanctions relatively weak, especially in economic terms, and the sanctions relatively leakproof. Even in those circumstances, the economic effect will cascade through domestic politics and so will take time to have an effect; in the short and medium term there is what might be called the "Miloševic effect," after Slobodan Miloševic, the president of Serbia (and of Yugoslavia before that). Serving in the government during the Balkan wars of the 1990s, I had the dubious opportunity to visit Belgrade. I sought to meet with the opposition, an articulate and attractive group. But in the face of hostility from the United States and NATO, any open opposition to Miloševic was simply unpatriotic. The effective opposition had melted away.

For other leaders, too, the hostility of the United States and its partners is the best thing they have going for them. The United States is more useful as a bogeyman than a friend. Fidel Castro has made an entire life as Cuban leader out of U.S. hostility, which is the bogey for any domestic privation or mismanagement. In these circumstances, the chances that economic sanctions, even if they bite economically, will have the desired political effects are parlous. One close observer of sanctions against the breakaway state of Rhodesia in the 1960s and 1970s emphasized the long-term nature of sanctions: "Sanctions alone did not bring Rhodesia to the negotiating table. But sanctions weakened Rhodesia, causing it to open inefficient industries; to pay middle men exorbitant profits for imports while receiving low payments for exports; and to risk serious shortages of spare parts" (McHenry 1988, 13).

The ending of the apartheid regime in South Africa is often seen as a success of sanctions, and so it is, although even that point is debated. None of the potential embargoers, with the partial exception of Britain, had a substantial economic stake in South Africa, and South Africa needed the income from natural resource exports to those countries at least as much as those countries needed the imports. Those economic facts became plainly visible when the big state pension funds, like California's, started being recruited to the divestment agenda. The target companies quickly realized they had more of a stake in several blocks of downtown Los Angeles than in all of South Africa.

<sup>2.</sup> For a thoughtful discussion of the effect of "sticks," in other words, sanctions, see Frank (2006)

In the end, though, the political aspect of sanctions may have been more important than the economic. White South Africans wanted to be friends of the United States and its allies; they wanted to be accepted. They were the opposite of Miloševic—or of Castro. For them, money was important but rugby was imperative. The idea that their beloved national rugby team would be denied access to international competition was unthinkable.

What about Iran as a target of sanctions? Iraq could be seen as a hopeful precedent (Hufbauer and Schott 2006). It is at least arguable that economic hardship changed Saddam Hussein's priorities. As Hufbauer and Schott put it: "In the crunch, palaces and police were more important than WMD." Between the first and second Gulf wars, Saddam apparently gave up or postponed his quest for WMD, including nuclear weapons. It is conceivable that subordinates took that decision for him, then deceived him on that score, but it is more likely that, having changed his priorities under pressure, Saddam either concocted or tolerated a massive deception to convince the world, and not least the United States, that he had what he didn't have.

The sanctions were tough, among the harshest of the last century despite extensive oil smuggling with the complicity of Jordan, Turkey, and Iran and despite widespread corruption under UN auspices. The major powers, even including China, Japan, and Russia, generally respected the UN resolutions. Iraq's foreign exchange was sharply curtailed, and sophisticated weapons were shelved. The sanctions disrupted Iraq's already stumbling economy, and, as usual, the victims were not Saddam's elite but rather the segments of the Iraq population already suffering under Baghdad's rule.

Happily, since the sanctions coincided with low oil prices, the sanctioners felt little economic pain—a fact crucial to global cooperation in enforcing UN sanctions for more than a decade.

Sanctions against Iran could go the same way as for Iraq, but the differences are worth pondering. Like Iraq, those hurt by sanctions would not be the elite, the army, or the police, but rather the Iranian people. After decades of bad economic management under the clerical regime, Iranians are poorer now than in the 1970s. Harsh sanctions would increase mortality among infants and the elderly. And they would surely invoke the Miloševic effect, rendering any opposition to the ayatollahs unpatriotic.

Equally to the point, sanctions harsh enough to make a difference, even over the long term, do not seem in the cards. Iran is oil rich even while poor. With oil prices today at or near record highs, Europe, China, and Japan are not about to risk Iranian retaliation that could drive the world price well above \$100 per barrel and the world economy into recession. Many Americans might feel that way too. They will endorse sanctions that are mild and staged, not harsh. And whatever position it takes in the UN Security

Council, Russia will continue to cultivate Tehran as its best foothold in the Middle East.

What might work? Certainly, sustaining specific embargoes on critical components, like cascade centrifuges, make sense. As with Cold War efforts to deny military technology to the Soviet Union and its allies, this embargo is already in practice, and it seems to have gained the cooperation of Russia and China. A related tack is to try to deny Iran the wherewithal—either technical or financial—to modernize its oil industry. With the world's third-largest oil reserves and second-largest gas reserves, Iran does not lack for income now, but it badly needs to modernize its industry even to sustain current levels of production, let alone increase them. Current targeted efforts to deny funding or technology for that modernization also make sense.

The effort might aim for limited sanctions that would not split the United States and Europe or drive Russia, China, and Japan off the diplomatic reservation. Those might also include a boycott on shipments of luxury goods (cars, clothes, air conditioners) to Tehran and a freeze on the assets held abroad by Iran's religious, civilian, and military leaders and "charitable" organizations. Sanctions short of Iraq-style isolation will not deny Iran the financial ability to pursue nuclear weapons. Rather, the goal would be to demonstrate just how isolated the regime in Tehran is, and to buy time in the hopes that negotiations might succeed or less hostile heads come to power in Iran. The strategy of limited sanctions, accompanied by coordinated diplomacy, is to let time mellow Tehran's nuclear intentions, not destroy its capabilities. In the meantime, the strategy seeks to avoid a crisis that throws the world into recession and destroys the cohesion of a fragile alliance now in place.

#### IV. Stooping to Understanding . . . and Carrots

It was precisely the lack of reasonable military—and economic—options that impelled the United States and its allies to hold their collective noses and try (relative) generosity even with North Korea. The result was the Agreed Framework. The Clinton administration's creativity was born of desperation. Having tried everything but war to stop North Korea's nuclear weapons and missile program—and it seriously contemplated war in 1994—it opted, in the Agreed Framework, for carrots instead of sticks (Pollack 2003). It made a deal with the devil. The provisions of the framework included:

• North Korea's graphite-moderated nuclear power plants, which could easily produce weapons-grade plutonium, would be replaced with LWR power plants by a target date of 2003;

- Oil for heating and electricity production would be provided while the North's reactors were shut down, until completion of the first LWR power unit;
- The two sides would move toward full normalization of political and economic relations;
- The United States would provide formal assurances to the North against the threat or use of nuclear weapons by the United States;
- North Korea would take steps to implement the 1992 Joint Declaration on the Denuclearization of the Korean peninsula;
- The DPRK would remain a party to the Non-Proliferation Treaty (NPT);
- IAEA ad hoc and routine inspections would resume for facilities not subject to the freeze;
- Existing spent nuclear fuel stocks would be stored and ultimately disposed of without reprocessing in the North; and
- Before delivery of key LWR nuclear components, North Korea would come into full compliance with its safeguards agreement with the IAEA.

At the time, in government but not working specifically on Korean issues, I though the framework was a masterstroke in the kind of cynical statecraft that we Americans are hardly ever capable of exercising. At that point, North Korea seemed close to collapse, and so the cynicism consisted in offering positive incentives that the United States and its allies would never have to deliver. North Korea would collapse before then.<sup>3</sup>

The fate of the Agreed Framework testifies to the political difficulty of relative generosity as a counterproliferation policy instrument. The travails of the past few years—that long march from bilateral negotiation to bilateral negotiation—have been well chronicled and do not need to be retold here. The incoming Bush administration regarded the Agreed Framework as a cop-out if not a sellout and put multilateral negotiations with North Korea on hold—formally for only a few months while it reviewed its policy. The 2002 State of the Union address prominently included North Korea in the "axis of evil," and by 2006 U.S. policy seemed explicitly two-track—

<sup>3.</sup> I attribute this reaction only to me, surely not to any of the good people in direct charge of U.S. policy at that point!

offering to return to multilateral discussion with North Korea along one track, while, on the other, trying to gather international support for sanctions, including embargoes, through the Proliferation Security Initiative begun in 2003. The opening came in Beijing in February 2007 when Pyongyang agreed to return to the six-party talks, and the prospect was made more real with the surprise visit of Assistant Secretary of State Christopher Hill to Pyongyang in June 2007.

Yongbyon, which has been the centerpiece of North Korea's nuclear program, is thought to be capable of turning out approximately six kilograms of weapons-grade plutonium per year. After undergoing reprocessing, this quantity of plutonium is sufficient to make a single fission weapon with a yield between 10 and 15 kilotons (Niksch 2005, 11–12). North Korea is also suspected of harboring a secret program to produce highly enriched uranium using centrifuges. This infrastructure might be sufficient for producing perhaps two or more weapons per year (Niksch 2005, 11–12). Iran's nuclear infrastructure, which also incorporates a reactor for producing plutonium and an unknown number of centrifuges, might be of a similar scale (Albright and Hinderstein 2004, 67–72).

Domestic politics will not make it easy to talk to distasteful regimes, let alone offer them positive incentives. However, as has been observed often, the United States was prepared to talk with Moscow throughout the Cold War, and North Korea and Iran pale by comparison with the threat to the United States that was posed by the Soviet Union. Despite the political difficulty, however, talking with adversaries is wise in principle; so is trying to understand their perspective on the world, if not thinking of positive ways to encourage them to moderate their behavior.

Take a peace treaty on the Korean peninsula as an example. North Korean officials have said the best way to resolve the nuclear issue is by signing such a peace treaty. From our perspective, the idea seems like icing on the cake, finishing business long unfinished. Yet the North has long been focused on the idea. In July, the North Korean People's Army suggested that the United States and North Korea hold military talks to discuss peace on the peninsula. During discussions at the 2006 Asia-Pacific Economic Cooperation meeting in Hanoi, President Bush and President Roh Moo-hyun of South Korea were optimistic about the prospects for a peace regime. Assistant Secretary Hill has said Washington is ready to begin negotiations on a permanent peace by the end of 2007. South Korean officials have said the upcoming inter-Korean summit promises steps toward a peace regime.

Getting inside Kim Jong-il's head is no mean feat, but it would be reasonable to assume that his view of the world is very different from ours. We know we are not a direct threat to North Korea; for all the talk of "regime change," there has been no taste for thinking of imposing it by force of arms. Suffice to say, the world may not look that way from the perspective of a cloistered, isolated absolute autocrat, whose top five concerns are all the security of his regime and himself. All the talk of preemption, reinforced by the overthrow of Saddam, plus the "axis of evil," plus talk of regime change can only play to whatever considerable paranoia he must have. In that sense, his concern about security is real.

Thus, a peace treaty might include a number of measures that cost the United States little but might play to those North Korean security concerns. The treaty might begin with the formal cessation of hostilities, replacing the 1953 armistice agreement with a permanent peace treaty signed by North and South Korea, China, and the United States and endorsed by a UN Security Council resolution. One blue-ribbon panel (Atlantic Council 2007), reporting in April 2007, argued for a package of agreements on parallel tracks, not one single overarching treaty. The package might include agreements on denuclearization and verification, conventional arms reduction and redeployment, trade and development assistance, normalized North Korean relations with the United States and Japan, and a peace and security forum established in place of the six-party talks. These agreements would lay the foundation for peaceful, democratic, and gradual Korean unification by providing the conditions for military de-escalation and North Korea's integration into the international economy.

None of these ideas is new, for as early as 1973, South Korea formally called for a peaceful unification. North Korea proposed a peace treaty in 1984. The 1992 Basic Agreement between South Korea and North Korea called for arms reductions, reconciliation, and cooperative exchanges. The 1992 Joint Declaration and the 1994 Agreed Framework promised denuclearization of the Korean peninsula. North and South Korea, China, and the United States joined four-party peace talks in 1997–98. The 2000 Joint Communiqué between Washington and Pyongyang called for improving bilateral relations through economic cooperation, and the first inter-Korean summit in 2000 laid out a path for peaceful integration.

In transferring these lessons to Iran, the Iran case may be harder still. If most Americans would agree with locating North Korea in the "axis of evil," that evil is pretty abstract. The country is distant, closed, and unvisited; the million who died in famine died away from CNN, and even the Korean War is by now a very distant memory. For Iran, in contrast, the overarching U.S. story is unremitting hostility running back to the takeover of the U.S. embassy in 1979. As occurred with Al Qaeda after the 11 September 2001 attacks, enmity hardly makes for empathy, and so it is all too easy to turn foes into caricatures, for American society if not for its foreign policy. Notice how frequently Iran's president, Mahmoud Ahmadinejad, has been portrayed in popular commentaries as a madman. His 2005 line, which was first translated as

"the occupying regime [in Israel] must be wiped off the map" immediately became portrayed as a call to destroy the state of Israel, if not a call to genocide.<sup>4</sup>

Ahmadinejad may have been, from this perspective, his own worst enemy. But the larger point is that the United States was slow to try to understand Iran on its own terms. And because the United States had so constricted its connections—those of both government and private business—into Iran, it had little wherewithal for understanding the country even if it was moved to try (Maloney 2007, 42–48). In that way it resembles North Korea. The counterpart of too little contact with Iranians in Iran may have been, as in other cases, too much influence from émigré Iranians in the United States, with their combination of enmity and wishful thinking that is characteristic of those who feel exiled from their homelands.

The difficulty was compounded because, while Iran remained a state, it was a theocratic state, and thus a new creature for twentieth- and twenty-first-century Americans, inside and outside government. We have no story about such governments. The fusion of church and state, rather than their separation, provides an unfamiliar context for, for instance, parsing relations between the country's president and its supreme leader, a cleric. The lack of story made it all but impossible to fathom the fact that many younger Iranians seemed among the most pro-American people on earth. Lacking context, it was easy for Americans to be tempted to believe regime change was around the corner.

Iran aspires to become the dominant actor in the Persian Gulf region and in the broader Middle East. Its pursuit of this goal is made feasible by its geographic size and demographic weight and by its control over very sizable oil reserves.<sup>5</sup> Judging by their recent statements, the political leaders ascendant in Iran today are animated by a degree of revolutionary fervor, which on several occasions has been expressed in extreme rhetoric toward Israel and the West. Iran, as much as any other state, has embraced the political agenda of radical Islam, and it seeks to overturn, or at least substantially alter, the international order in the Middle East as upheld by the United

<sup>4.</sup> In fact, there was disagreement about whether "wiped off the map" was a correct translation of the Persian, with other scholars translating it as "wiped away from the pages of time [or history]." Other Iranian officials insisted that his reference was to the regime, not the state, though a summary on the official Iranian Web site said he has said that "the new wave of confrontations generated in Palestine and the growing turmoil in the Islamic world would in no time wipe Israel away." For a variety of sources on the dispute, see the Wikipedia entry, "Mahmoud Ahmadinejad and Israel," at http://en.wikipedia.org/wiki/Mahmoud\_Ahmadinejad\_and\_Israel#2005\_.22World\_Without\_Zionism.22\_speech.

<sup>5.</sup> Iran's population of 68 million makes it two and one-half times larger than either of its closest challengers in the Gulf region—Iraq and Saudi Arabia. Overall, Iranians constitute 52 percent of the population of the entire Gulf region. Iran's proven reserves of 133 billion barrels of crude oil constitute nearly 20 percent of the known reserves in the Gulf region (CIA 2007).

States. The Islamic Republic of Iran has provided sustained and substantial support to armed Shi'a factions in Iraq, Lebanon, and Palestine in an effort to extend its influence. Accordingly, absent a change in its strategic orientation, a nuclear-armed Iran might seek to advance its revisionist agenda more aggressively than it has heretofore, perhaps by conducting terrorist operations and other forms of violence below the level of large-scale warfare.<sup>6</sup>

In these circumstances, approaches that are (relatively) generous will be hard to sell politically, and devising common ground will be difficult intellectually. The reaction to the August 2007 agreement between Iran and the IAEA was reflective. The agreement—on a timetable for Iran to clear up a half dozen controversies over past suspect nuclear activities, plus the granting of wider access to IAEA inspectors—came as a surprise to the United States and its European allies, and their initial reaction was that it was a sellout to a regime that had lied previously. The four countries—the United States, plus Britain, France, and Germany—determined to press for a third round of UN sanctions against Iran. By September, second thoughts led the countries to regard the agreement as positive.

In substance, some of what North Korea wants—a peace treaty and nonaggression pledges—are fairly easy for the United States to concede. It is less clear what Iran might want, even should the United States be tempted to be forthcoming. Standard interpretations, in the United States especially, treat Iran as a winner all around: externally, the Iraq war has taken out its main regional adversary and given Tehran unprecedented influence there while bleeding the United States; internally, now as in the past, high oil prices are bad for the reformers by giving the hard-liners wherewithal to buy off protesters, so the recent demonstrations in the countries should not be taken too seriously. Indeed, the regime feels so confident that it would imprison Iranian-Americans for no reason other than to stick a finger in Uncle Sam's eye.

As with North Korea, getting inside the various heads that make up Iran's government is not easy. But also, as with North Korea, Iran's view of the world may not accord with our imaginings for it. Its leaders may not feel so secure as we imagine, with a large and well-trained U.S. force on its border, with the UN sanctioning and Israel rattling preemptive sabers about its nuclear program, and with internal expectations rising fast. In any case, talking to the regime might provide some reality to what is almost a caricature.

<sup>6.</sup> Iran's sponsorship of the terrorist attack on Khobar Towers in Dhahran in 1996, which killed 19 Americans, has been fairly well established. In July 2001, the U.S. Department of Justice issued an indictment of 14 men on charges of murder and conspiracy for the bombing. The indictment alleged that all 14 were members of the Islamic militant group Hezbollah, and that this group received support from individuals within the Iranian government. See "Khobar Towers Indictments Returned," CNN, http:// archives.cnn.com/2001/LAW/06/21/khobar.indictments/.

And there is a history of at least bits of common ground between the United States and Iran. Iran's relations with Afghanistan's Taliban regime were bad before September 11, and the aftermath of the attacks demonstrated both the scope and limits of the shared interests with the United States. In the instance of the Taliban and Al Qaeda, Iran had more to lose than to gain from terrorism, especially a brand that was Saudibased and inspired by Wahhabi Sunni'ism. Iran was also concerned about the two million Afghan migrants on its soil. Iran and the United States did cooperate quietly, perhaps even in sharing intelligence. Iran supported the Northern Alliance, and it granted the United States limited use of its airspace and offered to help U.S. soldiers in distress on Iranian territory.

#### V. Incentives and Nuclear Regimes

Whatever the diplomatic merits of taking U.S.-Indian relations to a new plateau, the December 2005 agreement to resume nuclear cooperation and the joint determination to work out cooperative arrangements effectively put the final nail in the coffin of the NPT. In effect, India—which, along with Pakistan, never joined the NPT—was being rewarded for having gone nuclear. It was formally accepted as having crossed the line to being a nuclear weapons state.

The bargain inscribed in the treaty (NPT 1968) always was something of an unholy one. In return for non-nuclear weapons states refraining from acquiring them, the nuclear weapons states agreed to "negotiations...relating to cessation of the nuclear arms race at an early date and to nuclear disarmament," and to move toward a "treaty on general and complete disarmament under strict and effective international control." That provided would-be proliferators a perpetual excuse, for weapons-state arms control was not likely to lead to nuclear disarmament, let alone general and complete disarmament. It also distracted from the central argument for nonproliferation—that Germany, Japan, Sweden, and others felt more secure without nuclear weapons than with them. They felt that way not because nuclear-weapons states were about to eliminate their weapons but, in many cases, precisely because those nuclear-weapons states had them and were allies.

Worse, the NPT sought to discourage nuclear weapons while it encouraged nuclear power. Its Article IV establishes that non-nuclear weapons states have an "inalienable right" to develop, produce, and research the "peaceful applications of nuclear energy." That means, in the colorful language of Henry Sokolski (2007), who has written most about this issue, that:

North Korea's sin was not that it built a plant that could process many bombs' worth of nuclear fuel, or that it operated a reactor disconnected from its electrical grid and optimized it to produce weapons-usable plutonium. All of this was permissible. What was impermissible was North Korea's decision to block inspectors from having full access to these facilities. Similarly, Iran's crime was not that it began enriching uranium (a process that can be used to make either reactor fuel or bombs) even before it had a single large reactor on line or that it imported nuclear weapons design information. Instead, it was Iran's failure to declare all its nuclear activities in a timely manner to the International Atomic Energy Agency (IAEA).

Today's energy prices only exacerbate the problem that historical precedent presents. Whatever their motivations, more states—including those, like Iran, with the world's third-largest oil reserves, which have absolutely no need for nuclear energy—will be able to argue that their nuclear pursuits are peaceful. That will allow them to develop the most sensitive parts of the fuel cycle and thus become equipped to develop nuclear weapons in short order. Seeing that, other countries will follow suit. And the chase will be on. This is almost exactly the argument the then UN secretary general Kofi Annan (2005) made at the 2005 NPT review conference.

As Sokolski and others have written, it didn't have to turn out this way. The NPT actually makes no mention of nuclear fuel making, reprocessing, or enrichment. Efforts in the 1960s to get NPT negotiators to include an explicit reference to "the entire fuel cycle," including fuel making, as a per se right, were all rejected. At the time, the Swedish representative (Myrdal 1967, 56) even suggested that rules needed to be established to prevent nations from getting into such dangerous activities because there seemed no clear way to prevent nations that might make nuclear fuel from either diverting the fuel or converting the fuel-making plants very quickly to make bombs.

There was at the time a clear sense that while the NPT was intended to share the "benefits of the application of peaceful nuclear energy," it made no sense to stretch it to protect ventures that made no economic sense and were dangerous to boot. That was apparent in the handling of so-called peaceful nuclear explosives, which turned out to be so dangerous and impossible to safeguard that the treaty only spoke about sharing the "potential benefits" of peaceful nuclear explosives that would be supplied by nuclear weapons states. No purpose was ever found for them, and none was ever requested.

Nor did the framers of the NPT believe in any inalienable right to develop, research, or produce peaceful nuclear energy, one that could allow states to contravene the NPT restrictions designed to prevent the proliferation of nuclear weapons. The relevant restrictions are in Articles I, II, and III of the treaty (NPT 1968). Article I prohibits

nuclear weapons states "assist[ing], encourag[ing], or induc[ing] any non-weapons state to manufacture or otherwise acquire" nuclear weapons. Article II prohibits non-weapons states from acquiring in any way nuclear explosives or seeking "any assistance" in manufacturing them. Together, these two prohibitions seem to ban not only the transfer of actual nuclear explosives, but also the transfer of any nuclear technology or materials that could "assist, encourage or induce" non-weapons states to "manufacture or otherwise acquire" them.

Lest there be any doubt about this, the NPT also requires all non-weapons states to apply safeguards against all of their nuclear facilities and holdings of special nuclear materials. The purpose of these nuclear inspections, according to the treaty, is "verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons." There was at the time no assumption that such safeguards were assured or that the technology was available, only the hope that ways could be found to assure such safeguards.

Indeed, later experience leads to the conclusion that plutonium recycling cannot be safeguarded. In January 2003, for example, Japanese officials announced they had "lost" 206 kilograms of nuclear weapons—usable plutonium from their recycling facility—or enough to make 40 crude bombs. In the end, at least 86 kilograms remained unaccounted for (Rahman 2003; NCI 2003). Centrifuge uranium enrichment plants can be quickly converted to make weapons-grade fuel. As a result, inspectors can look and measure, but it is hard for them to know precisely how much fuel has been produced. Nor can they detect the diversion of fuel for weapons purposes soon enough to prevent the diversion.

The fact that the United States and its allies have dug such a deep hole is no argument against stopping the digging. They have dug the hole by tacitly accepting the argument than every nation has a right to any and all nuclear materials and activities so long as it declares them, claims they are for peaceful purposes, and allows IAEA inspectors occasionally to visit them. There is some recognition that the hole is dangerous. For instance, France (GOF 2004) has argued since 2004 that nuclear fuel–making technology should be transferred only to countries that have a clear "energy need," a "credible nuclear energy program," and "an economically rational plan for developing such projects." Iran's inability to meet any of those criteria has led France to question the sincerity of Tehran's claim to have an inalienable right to make its own nuclear fuel.

Yet, alas, the loophole is entrenched, affecting even the nuclear fuel-making activities of North Korea, Iraq, and Iran. After the Carter administration's ultimately failed effort to restrict the spread of the full nuclear fuel cycle, the United States and its key

allies have long condoned the nuclear fuel making of many of their key allies and friends that do not yet have nuclear weapons—Germany, the Netherlands, Japan, Brazil, Argentina, Australia, and Ukraine, for instance. It will be hard to reverse course, but, again, that is no argument for not beginning. One place to start would be with accounting, putting pressure on nuclear operators to account for the full costs of nuclear power. That will be all the more important as growing concern about global warming makes conventional power plants less attractive and nuclear ones apparently more so.

As Sokolski (2007) phrases it: "The most dangerous nuclear projects, it turns out, are also the most economically uncompetitive." The examples would include nuclear power plants in oil- and natural gas-rich nations (for example, Iran) or states without a large electrical grid (North Korea). So, too, the category would include nuclear fuel–making plants in countries or regions without many power reactors (virtually any state other than China, Russia, Japan, the European Union, and the United States). Now, most of the key questions about nuclear facilities—financial, insurance, proliferation, safety, and physical security—are very much affected by governments, if not decided by them. By underwriting risks and providing a safety net against externalities, governments could be seen to be, in effect, subsidizing nuclear programs. If, by contrast, a more accurate counting of all of nuclear power's hidden costs relating to these issues were required, that might lead to much earlier identification of unwise and uneconomical nuclear projects.

Nuclear power might still turn out to be attractive in many circumstances, especially as the international community follows the lead of the European Union and enacts carbon taxes. But it would level the playing field, making sure that externalities of nuclear power are accounted for and indicating whether, in any given instance, nuclear power really is cheaper than clean coal, natural gas, hydropower, and renewable alternatives. It would not deal directly with Iran or North Korea, where the game is already far along. But it would learn the lessons of both those cases, neither of which has an argument for nuclear power, and help to prevent them from becoming models for other countries such as Indonesia, Libya, Saudi Arabia, South Korea, Nigeria, Egypt, Turkey, Morocco, Jordan, and Yemen.

#### VI. Living with the Unthinkable

The possibility that states, North Korea and Iran in particular, will not be deterred from acquiring nuclear weapons, if not actual arsenals, requires thinking about the implications for both crisis and policy (Waltz 1981). Plainly, the follow-on effects on other nations and their choices are critical and perhaps especially unpredictable in the case of Iran. It may be useful, though, to begin the speculations with the more concrete:

Why might nations seek to go nuclear and how might they use the process in peace or war? Nations may perceive a number of reasons for moving toward or having nuclear weapons—another reason to take seriously the task of understanding what might be in their heads, not just ours. For Iran, for instance, the purposes might be to:

- Deter military threats or attacks by the United States and, perhaps, others;
- Redress its military inferiority vis-à-vis Israel, Pakistan, India, and Russia neighboring states that have nuclear weapons;
- Enhance national prestige and influence;
- Shore up domestic political support; and
- Ensure the survival of the regime in the event of war (Yaphe and Lutes 2005, 3–5).

The North Korean regime probably shares many of these motivations. It might also see its nuclear program as a source of leverage on the United States, Japan, South Korea, and China for extracting economic assistance.

For authoritarian or despotic leaders such as North Korea's Kim Jong-il, deterring threats to the survival of the regime may be the most compelling motivation for going nuclear. That historically has been at the top of the list for such leaders, who are always looking for sources of legitimacy. Moreover, when power is seized and held forcibly, the survival of the regime is often synonymous with the personal survival of those at the top of the regime.

The situation in Iran is more complicated. Iran has both democratic and authoritarian elements within its governing structure. It has a popularly elected president and a parliament whose membership is shaped not only by the clerical establishment but also by the electorate. At the same time, the nonelected religious establishment commands ultimate authority in the country. Iran's governing elites are divided by deep and enduring philosophical differences into three camps—which might be labeled, in too clear shorthand, hard-liners, pragmatists, and reformers. And many elements within Iranian society are known to be dissatisfied with the regime's performance. Yet the regime has shown a great deal of resiliency. Factions within the regime itself and in the society writ large tend to close ranks when confronted with pressure or threats from external sources—the Miloševic effect again (Takeyh 2006, 29–40).

Notwithstanding these differences between North Korea and Iran, regime survival would be a core objective for both nations in any crisis or conflict.<sup>7</sup> To a leader concerned with his ability to maintain a grip on power in the event of war, the value of nuclear weapons is obvious: If an attack by a U.S.-led coalition would pose a significant threat to your regime and your nation cannot afford conventional forces capable of deterring or defeating such an attack, nuclear weapons may be seen as the answer.

And, again, whatever we may think, for many authoritarian leaders, the prospect of their overthrow by the United States is not an abstract proposition. Both of the U.S. national security strategy documents released by the Bush administration declared that the ultimate goal of the United States is "ending tyranny." And both North Korea and Iran are cited as examples of the types of regimes about which the United States harbors grave concerns (White House 2006). The overthrow of the Taliban in Afghanistan in 2001 and Saddam Hussein in 2003 probably heightened the determination of other regional adversaries to find a means of fending off such attacks.

North Korea and Iran surely have conventional forces inferior to those arrayed, or that might be arrayed, against them. If they had actual nuclear weapons, the forces would be small (and expensive). Moreover, there would be some period in the progression from nuclear options to nuclear weapons during which we (and perhaps they, too) might be unclear whether the weapons actually would go off. On that score, the North Korean nuclear test is a case in point.

Their forces would be useless if not survivable. So they would take pains, as both North Korea and Iran have, to make them survivable. On that score, the 1991 Gulf War is a case in point, one that reinforces the limits on preemption suggested earlier in this paper. Before the war, the United States felt it had a fairly complete understanding of Iraq's nuclear weapons infrastructure. The 42-day air campaign sought in part to destroy this infrastructure, and commanders thought they had crippled Iraq's nuclear weapons program. In fact, after the war, inspectors found a nuclear weapons development program that was far more extensive and sophisticated than Western intelligence agencies had thought. Because so much of it had been unknown to U.S. intelligence, the coalition's bombing campaign had left much of it intact.

North Korea and Iran would have but limited means of delivery and, thus, limited targeting options. In those circumstances, the easiest targets to hold at risk would be cities or major economic targets relatively nearby, but the sheer destructiveness of attacks on those would dramatically increase the risk of no-holds-barred retaliation

<sup>7.</sup> The behavior of Saddam Hussein and Slobodan Miloševic during their confrontations with the United States and its coalition partners was consistent with this core objective (Hosmer 2007, 2001).

from a regional adversary (or even the United States). So lesser threats or attacks would also become thinkable.

Somewhat paradoxically, the very brittleness of autocratic regimes might make for risk taking in a crisis if regime survival is paramount. As is often said, the weaker a regime is at home, the more inclined it may be to take risks abroad. Standing up to the United States, not to mention China, Russia, and South Korea, probably helps Kim Jong-il at home, and U.S. hostility is the best thing the Iranian regime has going for it. The regime was not at stake, but Pakistan seems to have been more ready to risk a conventional incursion into Indian-controlled Kashmir in 1998 because it—mistakenly, it turned out—believed either that the nuclear standoff would paralyze India or that outside powers would act to quickly snuff out conflict between nascent nuclear powers.

In peace, might a nuclear Iran feel it was entitled to more deference from fellow OPEC members or from neighbors and the United States? In conflict, why wouldn't North Korea or Iran be deterred by possible U.S. retaliation—why isn't Waltz right? Again, if regime survival is paramount, leaders might perceive that the stakes at play, literally vital for them, are less for the United States, and so the promised retaliation might not come. Or if it did, it would be little worse than the prospect of regime (and life) termination facing them.

Because the new nuclear powers could primarily threaten neighbors, the logic of the Cold War would be turned on its head: During the Cold War, Europeans were left to ask whether the United States would put New York at risk to save Paris. In the future, the quandary might become whether South Korea would put Seoul at risk to confront a North Korea behaving recklessly. Might that dilemma be eased if the "carrot" offered were safe haven for leaders and their families?

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