

## THE IMPLEMENTATION OF THE FEBRUARY 13 AGREEMENT

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The February 13 agreement was adopted at the third meeting of the fifth round of the Six-Party Talks. The agreement includes measures for the denuclearization of North Korea and corresponding steps for the other participant countries. The measures are divided into an initial phase and a later phase. In the initial phase, certain actions must be taken within 30 days and others within 60 days. Within 30 days, five working groups (denuclearization of the Korean Peninsula, economy and energy cooperation, Northeast Asia peace and security mechanism, normalization of DPRK-U.S. relations, and normalization of DPRK-Japan relations) must be formed and their first meetings held. While not explicitly stated in the agreement, the resolution of the Banco Delta Asia (BDA) issue is also expected within 30 days through a separate mechanism between the DPRK and U.S. The actions to be taken within 60 days include North Korea's shutting down its nuclear facilities, inspections by the International Atomic Energy Agency (IAEA), bilateral talks between North Korea and the U.S. and between North Korea and Japan regarding normalization, and the provision of energy assistance equivalent to 50,000 tons of heavy fuel oil to the North. After the completion of these measures in the initial stage, the agreement provides for holding talks between the foreign affairs ministers of the six countries and a separate Korean peninsula peace forum at an appropriate time. The measures in the next phase include the complete declaration and disablement of North Korea's nuclear program and the provision of economic, energy, and humanitarian assistance in an amount equivalent to 950,000 tons of heavy fuel oil, in accordance with the principle of equal burden.

The February 13 agreement marks a significant transformation for

denuclearization and the pursuit of peace on the peninsula. The concrete plan of action for the initial phase shows that the process of denuclearization has progressed from “word for word” pledges to the stage of “action for action.” The opening of negotiations on normalization and the formation of a separate peace forum on the Korean peninsula have laid the groundwork for a serious discussion of constructing a peace regime on the peninsula. The agreement has also provided the opportunity for reopening inter-Korean dialogue, which had been suspended after the missile and nuclear tests.

The issuing of the February 13 agreement was made possible by the willingness of the participant countries to compromise in finding a solution. Both North Korea and the U.S. firmly maintained a bargaining attitude of give and take. China served the role of host country, proposing the early draft and revised version of the agreement through bilateral, trilateral, and multilateral meetings. South Korea played a creative role in leading the atmosphere of compromise, using both persuasion and pressure. From the North, it gained a greater level of denuclearization, while from the other countries it won the principle of equal burden. The South also presented the idea of incorporating international assistance to North Korea in the future.

The 30-day period of the initial phase will end on March 15. During that time, it appears that the parties have faithfully implemented the measures stipulated in the agreement. The first working group meeting on the denuclearization of the Korean Peninsula, which will address the concrete steps to be taken until the North’s nuclear program is completely dismantled, is expected to be held on March 17 in Beijing, under the chairmanship of China. The first working group meeting on economy and energy cooperation, which will discuss plans for energy assistance to North Korea and mid- to long-term solutions for its economy and energy sector, will be held on March 15 at the South Korean embassy in Beijing, under the chairmanship of Korea. The first working group meeting on a Northeast Asia peace and security mechanism, which will address security issues beyond the denuclearization of the Korean Peninsula, will be held on

March 16 in Beijing, under the chairmanship of Russia.

The first working group meeting on normalization of DPRK-U.S. relations, jointly chaired by the two countries, was held in New York on March 5-6, local time. The main topics of discussion were removing the ban on trade with North Korea as a terrorist or enemy country, the highly enriched uranium (HEU) program, and a regime of peace on the Korean Peninsula. North Korea was particularly active in working to resolve the HEU issue and normalize relations. Both sides expressed optimism, saying that the meeting was constructive and that the future was bright. The second working group meeting is expected to be held on March 18. Furthermore, as promised, the U.S. resolved the BDA issue with North Korea. The U.S. Treasury Department adopted complete financial sanctions against the BDA for suspicion of laundering illegal North Korean funds. The unfreezing of DPRK funds is now at the discretion of bank officials. However, it appears that the greater the amount released by the BDA, the faster North Korea will implement the February 13 agreement. The first working group meeting on normalization of DPRK-Japan relations, jointly chaired by the two countries, was held in Hanoi, Vietnam on March 7-8. The main topics of discussion were settling the issues of history and the kidnapping of Japanese nationals. Although the meeting was suspended and reopened, both sides showed forbearance in attempting not to negatively impact the other working groups. The results of the five working groups and the progress made in the 30-day period will be evaluated at the sixth round of the Six-Party Talks in Beijing, to begin on March 19.

The February 13 agreement also stipulates the denuclearization measures and corresponding actions to be taken during the 60-day period, which ends on April 14. North Korea must shut down and seal its graphite-moderated 5 MWe reactor at Yongbyon, its uncompleted 50 MWe and 200 MWe reactors, reprocessing facilities, and fuel manufacturing facilities, as well as allow IAEA inspectors to return and verify the procedures. The DPRK must also discuss with the other parties a list of all its nuclear programs, including the used fuel rods from the operation of the Yongbyon reactor and

the extracted plutonium. North Korea and the U.S. must start bilateral talks on moving toward full diplomatic relations, using the outcome of the working group meetings as a basis. America must begin the process of removing North Korea from its list of state sponsors of terrorism and of lifting the trade embargo against the DPRK under the Trading with the Enemy Act. These matters are at the discretion of the White House. Removing the designation as an enemy state must be preceded by declaring an end to the state of emergency that was invoked during the Korean War. According to the National Emergencies Act, in order to achieve this, Congress must pass a joint resolution. Bilateral talks between North Korea and the U.S. can provide the political foundation for resolving the nuclear issue. If the normalization process leads to the lifting of sanctions regarding trade, assistance, and finance, this would be an opportunity for North Korea not only to enter the global economy but also to become a member of international society.

North Korea and Japan must also begin bilateral talks on normalization, building on the results of the working group meeting. The main points of contention are reparations and the kidnapping issue. South Korea must supply emergency energy aid equivalent to 50,000 tons of heavy fuel oil, based on the North's implementation of measures during the initial phase. Furthermore, a meeting between the foreign affairs ministers of the six parties will be held at an appropriate time after the initial actions are completed. The ministers are expected to review the implementation of the initial phase and discuss cooperation from the larger framework of peace and security in Northeast Asia. Such a high-level meeting would serve as an opportunity to expand and develop the Six-Party Talks. About the same time as the ministerial meeting, the two Koreas, China and the U.S. would begin negotiations at a separate forum regarding a permanent peace regime on the peninsula.

The February 13 agreement also stipulates measures for the next phase, after the steps in the initial phase are completed on April 15. North Korea must report all of its nuclear programs and disable its existing nuclear facilities, including the graphite-

moderated reactor and reprocessing plants. Disablement does not mean simply turning off the switch, freezing the program in its current state, or shutting down operation and closing the doors; it signifies the removal of core components and making the relevant facilities unable to function again. If North Korea enters the stage of disablement, the other parties must provide economic, energy, and humanitarian aid in the equivalent of 950,000 tons of heavy fuel oil. Energy assistance is to be supplied according to the principle of equal burden amongst the appropriate countries.

After the adoption of the February 13 agreement, it appears that the six parties will continue to compromise on denuclearization, normalization of relations, and constructing a regime of peace on the peninsula. This is evident in the recent positive changes in DPRK-U.S. relations as well as in inter-Korean relations. America has resolved the BDA issue by distinguishing between legal and illegal funds. It also received North Korean representative Kim Gye Gwan with a warm reception and a complete escort during his visit to the States. Particularly striking is the restraint of criticism of the North and the carefully worded statements on the part of politicians and officials. At the working group meeting, the U.S. maintained its position of seeking to solve the issues, with North Korea responding positively in kind. With respect to inter-Korean relations, dialogue across the 38<sup>th</sup> parallel was completely restored by the 20<sup>th</sup> inter-ministerial meeting. The two countries agreed to work together in implementing the February 13 agreement. It appears that inter-Korean dialogue and the Six-Party Talks have been linked in a relationship of positive reinforcement. The progress in relations between America and North Korea and between the two Koreas is undoubtedly a green light for resolving the nuclear issue.

However, the nuclear issue is not one to be solved in the short term. Normalizing relations and establishing a regime of peace on the Korean peninsula and throughout Northeast Asia are all linked to denuclearization. Their resolution may be complicated further by the differing interests and internal political situation of each party. The denuclearization of the Korean peninsula entails eliminating all nuclear

programs and weapons within the peninsula. In this process, it is anticipated that North Korea's alleged HEU program, existing nuclear weapons, and the light-water reactors will be points of contention. The HEU program cannot be passed over, in that the U.S. first raised the issue. Both America and North Korea must present their evidence on whether an HEU program actually exists; if so, how far it has progressed; if suspended, whether it is temporary or due to a technological problem; and whether North Korea accelerated its plutonium program under the guise of procuring HEU equipment. Eliminating the North's existing nuclear weapons also presents a thorny issue, centered on whether doing so falls under the September 19, 2005 Joint Statement and if so, at what point in time, over what period, and at what cost. Other potential problems include when to discuss the provision of a light-water reactor, whether it can be used in a nuclear program, and the site and expense of providing such a reactor.

The normalization of relations is also a complex issue. For example, America must consider to what extent it will lift the restrictions on trade with North Korea and on what level it will resolve issues related to human rights, drug trafficking, and DPRK missiles. North Korea must consider the following points: whether it should simplify the process of improving relations; to what extent it will open and make information available in order to receive financing, aid, and trade from the U.S.; whether it will be possible to control the 40-plus Americans that might reside in Pyongyang as employees of the U.S. embassy; and if not, whether this might lead to a social loosening. The normalization of DPRK-Japanese relations is likely to face a rough passage, as it is contingent upon settling the past, including reparations and amends, as well as the kidnapping issue. Lastly, negotiating a peace from the existing cease-fire is complicated by the question of who the relevant parties to the agreement are, the American troops currently stationed in South Korea, and the issue of reducing troop levels.

Likewise, the process of resolving the North Korean nuclear issue is a difficult and arduous one. However, South Korea must double its efforts to achieve a solution,

as it is an inevitable step in denuclearizing the peninsula and building a regime of peace. It is important to note that if North Korea is unable to capitalize on this opportunity to normalize relations with the U.S., for which it has been clamoring for the last sixty years, then its next sixty years will bring about its collapse in isolation. Rather than resting on the premise of North Korea's collapse, as it did in the Agreed Framework, the U.S. should induce the North into international society and work towards coexistence, for which it would be hailed not as an imperialist state but as a model for other nations.

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