

Make the Working Groups Work

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Much has been written about the recent Six-Party agreement on “Initial Actions for the Implementation” of a North Korean denuclearization plan first outlined over a year ago, but the debate has generated more heat than light when it comes to making this agreement work. Some analysts and policy makers have praised the agreement as an “important first step” to ridding Korea of nuclear weapons and establishing normalized relations between North Korea and the United States and Japan . Critics, meanwhile, decry the appearance that Washington is “rewarding bad behavior” by offering economic incentives to Pyongyang before full denuclearization is assured, and they warn that the agreement is dangerously vague about what will actually be dismantled.

Say what you want about the politics or the diplomacy behind these initial actions, but the fact is they represent the best opportunity in many years to eliminate North Korea ’s nuclear programs. The problem is, most of the important details have been pushed down the road for clarification and implementation via five working groups, and these groups have less than two months to come up with initial answers.

The working group concept is altogether appropriate for the Six-Party Talks as a means to sort out technical details regarding denuclearization, inspections, economic engagement priorities, confidence building measures, and dispute resolution mechanisms. The Six-Party Talks even have some history experimenting with working groups, as they were first discussed at the second round of multilateral negotiations in February 2004, although they never met with any regularity or developed specific recommendations.

The working groups were a hostage to the broader six-party process, and when those talks went into deep freeze after November 2005, there was no progress regarding questions that would have to be answered someday, such as: what might be the role for the IAEA in evaluating North Korea ’s nuclear declarations and monitoring compliance? What are the energy assistance or other economic engagement priorities for the North that could be addressed first, and how can that burden be shared? How will disputes be discussed and resolved by the six parties? We lost more than a year, and now the working groups are going to be hastily arranged and charged with sorting out many of these thorny problems.

Still, it is no use bemoaning the fact that these groups should have been established much earlier as a technical forum separate from the diplomatic negotiations. The order of the day is to make these working groups work, but they face daunting challenges. Three of the five working groups are multilateral involving all parties (denuclearization, chaired by the Chinese; economy and energy cooperation, chaired by the South Koreans, and Northeast Asia peace and security

mechanism, chaired by the Russians). From any one government's perspective, these will be interagency efforts.

For the United States, for example, the State Department will take the lead, but many bureaus will be involved besides just the regional bureau, and other departments will contribute as well (e.g., the departments of Energy, Defense, and Justice, perhaps, for denuclearization, while Treasury, Energy, Justice, and Commerce might be involved in economic and energy cooperation). This all needs to be vetted through the National Security Council and run by key players in Congress, as well. Add the five other countries and their interagency processes (to the extent they exist), and add parallel Party organizations in China and North Korea.

These are multiple, multilateral, multi-agency negotiations going on at the same time in a politically charged atmosphere under tight time constraints. This is not a recipe for success, and the danger is that the mechanism for implementation will be as much to blame for the potential failure of this agreement as will be a lack of political will of one or more parties. If the mechanism fails, then it will be more difficult to identify clearly who is responsible for the collapse of this agreement. This was a problem of the Agreed Framework negotiated in 1994, and in the end it fell apart amidst finger pointing. KEDO, in contrast, had a rigid structure of protocols and a dispute resolution mechanism that worked through countless technical arguments, and even though KEDO faced delays and difficulties, it generally enabled a united negotiating front among its members vis-à-vis Pyongyang.