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# Living with Ambiguity: Nuclear Deals with Iran and North Korea

**Robert S. Litwak**

The publication in November 2007 of the unclassified summary of the US National Intelligence Estimate (NIE) on Iran recast the debate about that country's nuclear capabilities and intentions. According to the NIE, US intelligence agencies concluded with 'high confidence' that Iran 'halted its nuclear weapons program' in 2003 'in response to increasing international scrutiny and pressure'. Further, the agencies 'do not know whether [Iran] currently intends to develop nuclear weapons'.<sup>1</sup> This finding essentially reversed the previous NIE in 2005, which concluded that Iran had an active clandestine weapons programme. But while stating that Iran had suspended work on that part of its covert military programme relating to weapon design, the 2007 NIE also cited significant progress in Iran's declared 'civil work' relating to uranium enrichment that 'could be applied to producing [fissile material for] a nuclear weapon if a decision is made to do so': 'Tehran at a minimum is keeping open the option to develop nuclear weapons'.

The 2007 NIE greatly complicated the Bush administration's effort to win international backing for significant measures to curb Iran's nuclear programme. Officials were pressed to explain why the development of a latent capability should necessitate urgent action. The NIE finding that Iran had halted its weapons programme lifted the immediate threat of US military action, but it also essentially removed the onus from Russia and China to support additional action by the UN Security Council to curb Iran's 'civil-

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ian' programme and thereby deny it a latent breakout capability.<sup>2</sup> The public release of the document triggered a political controversy in the United States. The administration's critics cited the new estimate as proof that the White House had been exaggerating the Iranian nuclear threat with its hyperbolic references to 'World War III', just as it had done in the lead-up to the Iraq War. Hardliners on Iran lambasted the NIE's methodology and charged that the intelligence community had inappropriately crossed the line into policy prescription. Even some International Atomic Energy Agency (IAEA) officials privately voiced scepticism and concern that the US assessment had been too 'generous with Iran'.<sup>3</sup>

As the Iran nuclear crisis entered a new phase, diplomacy was also focused on rolling back an overt nuclear capability in North Korea. After crossing an important 'red line' by testing a weapon in October 2006, Pyongyang proclaimed that North Korea had acquired a nuclear deterrent, but also held out the programme as a bargaining chip by declaring its recommitment to the denuclearisation of the Korean peninsula. At the Six-Party Talks in February 2007, North Korea agreed to dismantle its nuclear installations and make a full disclosure of its past and present programmes.

Before the publication of the new NIE on Iran, senior US officials stuck to the familiar mantra 'all options are on the table', a clear reference to the possibility of military action. But to what end? Is Washington's goal to change the behaviour of 'rogue states' or to change their ruling regimes (thereby removing the source of the nuclear threat)? Throughout the nuclear crisis with Iran, as well as with North Korea, the Bush administration has sent mixed messages. In the words of one former senior official, the administration is unable to reconcile its 'competing impulses'. Washington's ambivalence about its objective – regime change or behaviour change – creates a policy ambiguity that provides incentive for Pyongyang and Tehran to cultivate an ambiguity of their own about the status and negotiability of their nuclear capabilities for deterrent purposes.

In these hard cases, the United States and the international community are aiming not to deter Iran and North Korea from crossing a technological threshold, but to compel them to roll back active programmes after those thresholds have been crossed. As Thomas Schelling observed, compel-

lence is more difficult than deterrence, and coercive diplomacy is a form of compellence, combining credible and potent threats of punishment with tangible inducements to affect the behaviour of an adversary.<sup>4</sup> Negotiations with North Korea and Iran can realistically aim to narrow, but not eliminate, the ambiguity, since any country that retains the capacity to produce fissile materials under the rubric of a civil energy programme remains a 'virtual' nuclear-weapons state, according to IAEA Director General Mohamed ElBaradei. A key question is how much ambiguity the United States is prepared to live with. The answer depends on how one defines the character of the threat in the new era of perceived vulnerability ushered in by the terrorist attacks on New York and Washington on 11 September 2001.

### **The post-11 September context**

11 September transformed the American worldview and produced a new calculus of threat focused on non-state terrorist groups and rogue states. President George W. Bush asserted that the threat posed by rogue regimes derives from 'their true nature'.<sup>5</sup> After 11 September, the administration explicitly declared that, because of the *character* of its adversaries – terrorist groups and rogue states – the United States could no longer rely on the traditional strategic concepts of deterrence and containment to meet the 'new deadly challenges'. In its comprehensive National Security Strategy report of September 2002, the Bush administration maintained that a strategy of deterrence based on punishment is 'less likely to work against leaders of rogue states [who are] more willing to take risks' and more prone than an orthodox great-power rival (such as the Soviet Union during the Cold War, or contemporary China) to use weapons of mass destruction.<sup>6</sup>

The proliferation of nuclear, biological and chemical capabilities to rogue states, in tandem with the sponsorship of terrorism by their unstable ruling regimes, creates a deadly new nexus. In this nightmare scenario, rogue regimes could transfer highly destructive weapons to their terrorist clients, who would have no moral or political compunctions about using them against the United States. After 11 September, the Bush administration conflated the proliferation and terrorism agendas, hence its subsequent portrayal of the Iraq War (an unprecedented case of coercive non-

proliferation through regime change) as central to the 'global war on terrorism'. The administration's primary focus was on preventing the acquisition of nuclear-, biological- or chemical-weapons capabilities by specific dangerous proliferators – those states constituting the 'axis of evil' – whose regimes harbour hostile intentions toward the United States. The focus was not on advancing the general international norm against proliferation. This emphasis on 'the who' over 'the what' was reflected in Washington's cultivation of a strategic relationship with India, a nuclear-weapons state outside the international non-proliferation treaty regime. In concluding a bilateral agreement in July 2005 that would permit civil nuclear commerce and cooperation, Bush tellingly referred to India as a 'responsible state', in implicit juxtaposition to irresponsible rogue states – Iraq, Iran and North Korea.<sup>7</sup>

The redefinition of the threat after 11 September led to a radical change in US strategy. The Bush administration shifted from a mix of deterrence, containment and engagement before 11 September to an emphasis on regime change. Administration hardliners argued that mere behaviour change would no longer suffice because the bad behaviour of rogue regimes was intimately linked to their character. In response to the new perception of vulnerability after 11 September, the administration declared that as 'a matter of common sense' it would not only use force *pre-emptively* against imminent threats, but also, more controversially, *preventively* against 'emerging threats' before they formed.<sup>8</sup>

### **Contrasting precedents in 2003: Iraq and Libya**

The focus on regime change placed the United States at odds with much of the international community because of the cardinal principle of state sovereignty. Bush's effort to reconcile the contradiction between US determination to remove Saddam Hussein and UN Security Council resolutions that made no mention of regime change produced the tortured formulation: 'the policy of our government ... is regime change – because we don't believe [Saddam] is going to change. However, if he were to meet all the conditions of the United Nations ... that in itself will signal the regime has changed.'<sup>9</sup> One could argue that the threat of regime change might have provided effective coercive leverage with Saddam, but that would also have

required a credible commitment to lift that threat if the Iraqi leader came into compliance with the UN Security Council resolutions. In the case of Saddam, it was emphatically clear that the Bush administration was not prepared to take yes for an answer. Viewing Iraq through 'the prism of 9/11', in then Secretary of Defense Donald Rumsfeld's phrase, the administration made the decisive shift from a pre-11 September strategy of containment to a post-11 September strategy of regime rollback.

The Iraq Survey Group's final report observes that Saddam never resolved the contradiction between the UN Security Council's disarmament mandate and his intention to rebuild his nuclear, biological and chemical arsenal. His perceptions of a hostile external environment (strikingly fixated more on Iran than on the United States) prompted him to bluff about the status of Iraq's weapons programmes. For Saddam, who frequently told his inner circle that the 'better part of war was deceiving', this ambiguity was instrumental. Uncertainty about whether Iraq retained nuclear, biological or chemical capabilities, he believed, could have an important deterrent effect on adversaries, both without (the United States, Iran) and within (the Shi'ites). This security preoccupation, as well as his ego, led him to resist making the fact of Iraqi disarmament unequivocally clear.<sup>10</sup> In an interview after the regime's overthrow, General Raad Majid al-Hamdani, an Iraqi Republican Guard commander, termed Saddam's strategy of cultivating ambiguity about his unconventional weapons programmes 'deterrence by doubt'.<sup>11</sup>

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Whether the invasion of Iraq was 'a war of necessity' or 'a war of choice' remains a contentious issue. All parties – the administration and its critics – agree that the war was *preventive* rather than pre-emptive, in that the threat posed by Saddam Hussein was not imminent, the prerequisite for pre-emption in international law. Indeed, various presidential pronouncements after 11 September had explicitly elevated prevention as a rationale to address emerging threats *before* they become imminent. The administration's case for urgent action in Iraq rested on the Iraqi regime's purported links

to al-Qaeda, fuelling the fear that Saddam might transfer arms to terrorists, and on the intelligence community's assessment that Iraq was actively reconstituting its nuclear-weapons programme.

But the assertion that a cooperative relationship existed between the Iraqi leader and al-Qaeda was never proven, nor was Saddam's interest in transferring weapons capabilities to al-Qaeda (not merely in response to a US military action to topple the regime) ever firmly established. On the nuclear question, the administration's new alarm arose from suspect sources (such as the Iraqi informant fittingly codenamed *Curveball*) and flawed analysis (for example, of the alleged end-use of the aluminium tubes Iraq had acquired). According to an April 2005 Gallup poll, 50% of Americans believe that the Bush administration not only erred in its pre-war intelligence assessments, but also 'deliberately misled' the public on Iraq's weapons programmes.<sup>12</sup>

Without those two critical elements – Iraq's nuclear capability and the al-Qaeda link – the administration's pressing case for jettisoning the pre-11 September strategy of containment in favour of preventive regime change would have been undermined. Yet even if the poorly founded – and much-debated – claims had not been raised, legitimate ambiguity would have remained about the status of Iraq's unconventional weapons programmes (specifically, the unresolved questions about Iraq's chemical and biological weapons programmes detailed in the United Nations Special Commission's final report of January 1999).

Historian John Lewis Gaddis wrote that 'the rush to war in Iraq in the absence of a "first shot" or "smoking gun" left ... a growing sense throughout the world there could be nothing worse than American hegemony if it was to be used in this way'.<sup>13</sup> In withholding its legitimising imprimatur for the 2003 war, the United Nations was saying, in essence, that the international community considered the precedent of a US-imposed regime change in Baghdad *worse* than leaving the Iraqi dictator in power. Underlying the dispute were contending perspectives on the core issue of Iraqi sovereignty. President George H.W. Bush faced a far easier task assembling an international coalition for a showdown with Iraq than his son did 12 years later. In the 1991 Gulf War, Security Council authorisation and the forging of a broad

multinational coalition to liberate Kuwait were diplomatically possible because Saddam Hussein had violated a universally supported international norm: the protection of state sovereignty from external aggression. (As one observer colourfully put it, one state should not be permitted to murder another.) By contrast, in the bitter 2003 UN debate, the attainment of Security Council approval for military action was inherently bound to rouse strong opposition for the very same reason: compelling Iraqi disarmament through an externally imposed regime change, even if undertaken to enforce a Security Council resolution, would be a precedent-setting negation of state sovereignty. The perception of the United States as a rogue superpower, which had arrogated an unfettered right of military pre-emption, prompted a *de facto* effort by France, Germany and Russia to block this unilateral application of US power. The effort was most clearly manifested in the French diplomatic campaign in early March 2003 to mobilise opposition to the Anglo-American proposal for a final UN Security Council resolution with an ultimatum to trigger the use of force.

Once US forces had toppled Saddam in April 2003, Bush administration officials hailed the Iraq War as a 'type' – a new model of coercive non-proliferation via regime change. The president proclaimed that the United States was 'redefining war' through its now-demonstrated ability to decapitate a regime without inflicting unacceptable collateral damage on the civilian population. In the months before the 'shock and awe' military campaign to oust Saddam devolved into an intractable insurgency, the administration's heady confidence was reflected in the bravado of one hardliner who declared that the message of the Iraq War for Iran's theocratic regime was 'take a number'.<sup>14</sup> Administration pragmatists, such as Secretary of State Colin Powell, expressed concern that the preventive-war precedent, if characterised as the new paradigm and not as an extraordinary remedy for a unique case, would create an incentive in Pyongyang and Tehran to accelerate, rather than roll back, their nuclear-weapons programmes in order to deter an American attack. To assuage concerns about the Iraq precedent vis-à-vis North Korea and Iran, officials reiterated that the administration did not have a 'cookie-cutter' strategy. But critics questioned whether it had a cookie-cutter *mindset* that would preclude meaningful negotiation.



*Libya: non-proliferation through change within a regime*

In December 2003, eight months after Saddam's fall, Libyan leader Muammar Gadhafi's surprise decision to terminate his country's nuclear-, biological- and chemical-weapons programmes pointed to an alternative to the Iraq model – non-proliferation through a change *in* a regime rather than a change *of* regime.<sup>15</sup> The bombshell revelation of the Libyan deal by the Bush and Blair governments immediately prompted a vigorous debate over contending explanations for Gadhafi's strategic turnabout. Neo-conservative proponents of the Iraq War and the muscular approach to non-proliferation underlying it pointed to the demonstration effect of the United States' regime-changing 'shock and awe' military campaign that had 'redefined war'. Liberal internationalists, emphasising the importance of the non-proliferation treaty regime and traditional non-military policy instruments, attributed Gadhafi's move to a decade-long desire to end his pariah status and reap the tangible benefits of reintegrating Libya into the world community.

Because Libya is an opaque society, with decision-making essentially residing in the hands of one man, a definitive attribution of causality is not possible. What is known is that several months after the December 2003 announcement, Gadhafi acknowledged that Libya's new approach to international relations was in response to 'new realities'.<sup>16</sup> The effectiveness of UN sanctions imposed on Libya for its complicity in the terrorist bombing of Pan Am 103 was facilitated by a conjunction of international and domestic factors in the 1990s that worked against Gadhafi's regime. Key among them was the downturn in the international oil market. Not only were prices depressed, but the Libyan oil sector, starved of Western capital and technology, sustained a production decline from a peak of 3.3 million barrels a day in the late 1970s to an estimated 1.4m barrels per day when UN sanctions were finally lifted in 2003.<sup>17</sup> The resulting sharp fall in oil revenues in the 1990s undermined the tacit social contract, dating to the mid 1970s, under which Gadhafi was essentially given *carte blanche* to pursue his radical foreign policy as long as the welfare state generously provided for a rapidly expanding population.<sup>18</sup>

The collapse of Libya's domestic economy in the mid 1990s triggered a crisis within the regime that pitted the country's pragmatic technocrats

against hardliners.<sup>19</sup> For the technocrats, Gadhafi's foreign-policy adventurism, far from being the source of domestic legitimacy the hardliners claimed, had become an expensive liability hindering Libya's economic development. By the late 1990s Gadhafi, bowing to the 'new realities', swung his decisive political power behind the pragmatists and even embraced globalisation.

A reasonable interpretation of the available evidence supports the conclusion that the key to the December 2003 agreement was an implicit assurance of regime survival to Gadhafi by the Bush administration. The accord could plausibly have unfolded in the absence of the demonstration effect of the Iraq War, given that domestic factors had strongly motivated Gadhafi to seek an exit for Libya from the sanctions regime in place since the early 1990s. But one cannot logically argue that the breakthrough in December 2003 would have occurred in the absence of a US security guarantee to the Libyan regime. The United States was willing to eschew the objective of regime change in return for this profound change in the regime's behaviour. External pressure, such as sanctions and the US interdiction of nuclear-, biological- or chemical-weapons-related technology, raised the costs of Libyan non-compliance with non-proliferation and anti-terrorism norms. Those concerted actions created a necessary but not a sufficient condition for change. Indeed, if the Bush administration had rejected the provision of a security assurance to Gadhafi, his incentive would have cut precisely in the opposite direction – that is, toward the retention, and perhaps even acceleration, of his nuclear programme to deter a US attack. In short, what sealed the deal for the United States was Libya's change in behaviour with respect to terrorism and proliferation; what sealed the deal for Libya was an American assurance of non-intervention.

Alternative routes to political change, then, were taken in the precedent-setting cases of 2003 involving two 'rogue states': in Iraq, a change of regime imposed through an occupying foreign army; in Libya, an indigenous process of change *in* a regime in response to internal and external pressures.

### **Missed opportunities, ignored red lines**

The contrasting precedents set in Iraq and Libya have important implications for the ongoing nuclear crises with North Korea and Iran. Though

often paired in non-proliferation discussions, the Korean and Iranian cases differ significantly on the root issue of intention. The North Korean nuclear programme was motivated by an overriding perception of existential threat (as in the cases of Israel and Pakistan), whereas Iran's programme (particularly after the United States removed the proximate threat in Iraq) has been fuelled by the desire for prestige and to be acknowledged as the Persian Gulf region's dominant power (analogous to India in South Asia). In Washington, North Korea is viewed as a defensive, marginal state, whose regime's calculus of decision is driven solely by the imperative of political survival. Despite its less-advanced nuclear-weapons programme, Iran is considered the more dynamic threat because of its extensive financial resources from oil production, its erratic president and his extremist rhetoric, and Tehran's destabilising foreign policy (as evidenced by its sponsorship of terrorism and its concerted effort to derail the Israeli–Palestinian negotiations).

The dilemma for US policymakers is that the nuclear issues of immediate urgency are embedded in the broader question of long-term societal change in these countries. The imperative of addressing the proliferation threats posed by Iran and North Korea and the long-term American interest in the transformation of their regimes create a policy tension between objectives on different timelines. The assessment (or vain hope) reportedly held by some in the Bush administration that these two states might be vulnerable to near-term regime change – in 'teetering' North Korea through an economic-squeeze strategy enlisting China; in Iran through a popular counter-revolution against clerical rule – leads some to believe that the two timelines might converge. And belief in such convergence eases the sense of

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urgency about the proliferation threat, for regime change offers the prospect of definitively eliminating it. Yet Saddam Hussein's Iraq is a cautionary case of a regime that for a decade withstood stringent economic sanctions that many predicted would trigger the Iraqi dictator's ouster. North Korea's Kim Jong Il has likewise proved remarkably resilient despite the famine and economic implosion (the consequence of his regime's own disastrous policies) that have racked the country. With

regime change neither an immediate prospect in North Korea and Iran nor a threshold assumption upon which prudent policy can be based, the United States cannot wait for a potentially long-term, indeterminate political process to play out in either country. Such waiting is the functional equivalent of acquiescing to proliferation. US strategies must be informed by realistic assessments of the alternative political trajectories that North Korea and Iran might follow, just as diplomat George Kennan's containment strategy at the dawn of the Cold War took for its premise a concept of political change in the Soviet Union.

In fashioning effective strategies for North Korea and Iran, US policymakers are caught between the Iraq and Libya precedents. The United States cannot replicate the Iraq model in North Korea and Iran, and regime collapse in either country is not an immediate prospect. At the same time, the administration's hardline rhetoric ('We don't negotiate with evil, we defeat it') has undercut its ability to offer assurances of regime security that were critical to Gadhafi's decision to terminate his unconventional-weapons programmes. As a consequence, the United States has missed opportunities to test Iranian and North Korean intentions – to determine, in short, whether these regimes would be willing to give up their nuclear programmes – and paid the price as Iran and North Korea have crossed important red lines in their pursuit of nuclear weapons.

#### *Iran: leverage lost*

In spring 2003, the Bush administration was at its point of maximum leverage vis-à-vis Iran – before Mahmoud Ahmadinejad had been elected president, and before centrifuges were spinning at the Natanz site. Within 18 months of the 11 September attacks, the United States had taken down Iran's primary regional adversary – Saddam Hussein's Iraq – and the hostile Taliban regime in Afghanistan. According to press reports, in early May 2003 Iran communicated a wide-ranging proposal to the United States via the Swiss government (which represents US interests in Iran) outlining a roadmap for the normalisation of relations. Under this so-called 'grand bargain', Iran would address US concerns over proliferation and terrorism, cooperate on post-war Iraq, and consider a two-state solution to the Israeli-

Palestinian issue. In return, the United States would recognise Tehran's legitimate security interests in the region, provide a security assurance and halt 'hostile behaviour', and lift US economic sanctions.<sup>20</sup> The Iranian proposal came from a senior official designated by Supreme Leader Sayyid Ali Khamenei to coordinate a special committee on US relations.<sup>21</sup> This reported offer, made at the point of maximum US leverage, after the toppling of the Saddam Hussein regime and before the Sunni-based insurgency had erupted, was plausibly an indicator of concern in Tehran about US intentions. However, the diplomatic window abruptly shut in June 2003 when the Bush administration severed contacts it had established with Iran over Afghanistan and hardened its stance in response to Iran's refusal to hand over al-Qaeda suspects implicated in terrorist attacks in Saudi Arabia and to revelations about Iran's covert nuclear-weapons programme. Washington gave no formal response to the Iranian proposal (other than rebuking the Swiss for 'overstepping' their mandate).<sup>22</sup>

What would have been the reaction in Tehran, and what would have been the alternative trajectory of US–Iranian relations, if the United States had agreed to accept the proposed framework as the basis for negotiation? To be sure, significant domestic political impediments to a 'grand bargain' existed in both countries. Indeed, the issue of normalising relations with the 'Great Satan' was then (and still is) *the* defining foreign-policy issue for Iran's theocratic regime. Moreover, crucial issues remained for negotiation (most notably, whether Iran was then prepared to abandon its uranium-enrichment programme). Would pragmatic conservatives in Tehran have been willing to make a deal along the lines of that accepted by Gadhafi – the cessation of the country's unconventional-weapons programmes in return for a US assurance of regime security? Then as now, the central issue is whether the Iranian leadership views the regime's external behaviour as an extension of its internal policies and a critical source of political legitimacy.

The provenance of the May 2003 proposal has since been challenged by senior Bush-administration officials, who claim never to have seen it and say that the two-page document was not authoritative in any case. Whether or not the Iranian document had the widespread backing of Iran's leadership, the United States had an opportunity at its point of maximum

leverage to test Iran's intentions by offering Tehran a structured choice between the tangible benefits of behaviour change and the penalties for non-compliance.<sup>23</sup> From the fall of Baghdad through the end of President Bush's first term, the policy cleavage within the administration over whether to pursue a regime-change or a behaviour-change strategy toward Iran produced policy incoherence. Senator Richard Lugar, chairman of the Senate Foreign Relations Committee, complained that the internal rift generated 'ambiguity that was neither constructive nor intended'.<sup>24</sup>

The November 2007 NIE stated that the halt in Iran's nuclear-weapons programme in 2003 was 'in response to increasing international scrutiny and pressure', without specifying the source of that pressure. Bush-administration officials naturally credited the cessation of Iran's weaponisation effort in 2003 to the success of their hardline strategy and, most importantly, the demonstration effect of Iraq. However, an alternative interpretation is that the Iranians, having had their covert uranium-enrichment programme at

Natanz exposed to the International Atomic Energy Agency and thereby facing the prospect of punitive action, 'halted' its parallel weaponisation activities to remove any immediate justification for a US military strike. During the freeze on this component of its programme, the Tehran regime accelerated work at the Natanz facility, now a 'declared' civilian site under international monitoring, to master the uranium-enrichment process, thus providing the Iranian leadership with a breakout option to produce weapons-grade fissile material.

After the mid 2003 revelations about Iran's nuclear programme and its referral to the agency, the three major European Union governments – Britain, France and Germany – launched the so-called E3 diplomatic initiative toward Iran. The effort, which yielded an Iranian commitment to suspend uranium enrichment in November 2004, was motivated by the Europeans' strong desire to avoid a replication of the transatlantic breakdown that had occurred over Iraq and to demonstrate the efficacy of traditional diplomacy

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and non-military instruments as an alternative to regime change in addressing non-proliferation challenges. When questioned about the European Union's 'carrot and stick' approach toward Iran, Undersecretary of State John Bolton, a leading hardliner, tellingly quipped, 'I don't do carrots'.<sup>25</sup> The United States belatedly joined the E3 as an indirect partner in early 2005, but the Bush administration's approach remained stymied by an unwillingness to broadly engage on the nuclear question.

The critical two-year period of maximum US leverage between 2003 and 2005 presented the last opportunity to circumscribe Iran's uranium-enrichment programme before it was ramped up to industrial scale. Whether such an effort would have been successful is uncertain. But the Bush administration could at least have tested Iranian intentions by offering a proposal along the lines of the one that sealed the disarmament deal with Libya. Resolving the contradiction in Washington would have shifted the onus to Tehran and the multiple power centres that make up Iran's leadership to confront the core contradiction in the Islamic Republic's foreign policy – whether Iran is a revolutionary state or an ordinary country that abides by the norms of the international system. Instead, what proved politically possible in Washington (for example, dropping US opposition to Iran's joining the World Trade Organisation) was politically insufficient to make a real difference in Tehran. The package offered to Iran in June 2006 by the P5+1 (the permanent members of the UN Security Council plus Germany) did not include the one incentive that only the United States could offer – a commitment of non-intervention.<sup>26</sup> As Secretary of State Condoleezza Rice bluntly put it, 'Security assurances are not on the table'.<sup>27</sup> Having failed to limit Iranian fuel-cycle activities during the critical window of opportunity after 2003, the United States and the international community now face the more daunting challenge of rolling back an operational uranium-enrichment programme under far less advantageous circumstances.

#### *North Korea: red lines crossed*

During the Bush administration's tenure, the Kim Jong Il regime crossed two important nuclear thresholds. In 2003, after the termination of the 1994 Agreed Framework, North Korea resumed the reprocessing of spent fuel

rods to separate plutonium. In 2006, it conducted a nuclear test, invalidating the widespread belief that a presumed Chinese red line would forestall this momentous step. These episodes highlight the difficulty of setting and enforcing red lines and provide insight into the North Korean calculus of risk. In both instances, Pyongyang correctly judged that its actions would not trigger a prohibitively high punitive response.

In 2003, a diplomatic confrontation, first initiated in October 2002 when the United States challenged North Korea with evidence of its covert uranium-enrichment activities, turned into a much more urgent situation involving Pyongyang's renewed acquisition of plutonium. Dissatisfied with the North Korean response to allegations that the regime was enriching uranium, the United States terminated the 1994 Agreed Framework established by the Clinton administration. In response, North Korea withdrew from the Non-Proliferation Treaty, ejected International Atomic Energy Agency inspectors, and restarted its nuclear facility at Yongbyon. In so doing, the country was poised to reprocess 8,000 fuel rods, which had been stored in cooling ponds pursuant to the Agreed Framework, and extract plutonium for approximately six nuclear weapons. In the first North Korean nuclear crisis of 1993–94, US negotiator Robert Gallucci had defined the North Korean threat in terms of its 'access to plutonium'.<sup>28</sup> The 1994 Agreed Framework sought to deny access to that weapons-grade fissile material by preventing the construction of two large graphite-moderated reactors (described by a US official as a plutonium factory potentially yielding dozens of weapons) and by moving 8,000 spent fuel rods (containing plutonium) from the 5-megawatt Yongbyon reactor into storage ponds monitored by the agency. The 1994 accord deferred until its final phase of implementation an accounting of North Korea's nuclear history – specifically, the 1989–91 shutdowns of the research reactor that could have yielded enough weapons-grade fissile material for one or two bombs.

The Clinton administration judged that allowing North Korea to maintain that hedged degree of nuclear ambiguity for a decade was an unavoidable concession to win Pyongyang's acceptance of the Agreed Framework blocking development of its capacity for large-scale nuclear-weapons production.



However, according to former Secretary of Defense William Perry, North Korea's further access to plutonium through the reprocessing of the 8,000 spent fuel rods had constituted an unacceptable red line, the crossing of which could have triggered the use of force.<sup>29</sup>

In contrast to the Clinton administration's stance in spring 1994, the Bush administration in winter 2002–03 made a concerted effort to downplay any sense of crisis, even as ElBaradei urged referral of the matter to the United Nations Security Council. Timing was a crucial factor: the nuclear developments within North Korea were unfolding as the Bush administration, then building its case in the UN for military intervention against Saddam Hussein's regime, wanted to maintain the focus solely on Iraq.<sup>30</sup> Thus, the White House spokesman lamely termed as 'regrettable' the North Korean announcement about the restarting of the 5-megawatt reactor.<sup>31</sup> Powell, acknowledging that the Clinton administration had 'a declaratory policy' that if North Korea reactivated its nuclear complex at Yongbyon 'they would attack it', said: 'We don't have that policy ... We're not saying what we might or might not do.'<sup>32</sup>

But having previously lambasted the Clinton administration for weakness in its dealings with Pyongyang, the Bush administration uncomfortably found itself the target of criticism for acquiescing to North Korea's reprocessing of plutonium in contravention of the red line laid down by its predecessor. The underlying reason for the conflicting signals from Washington was the continuing policy divide over whether the administration's objective was to change the North Korean regime or merely its behaviour. Thus, in late December 2002, Rumsfeld asserted that the United States' preoccupation with preparations for war in Iraq would not preclude military action in North Korea (presumably meaning a counter-proliferation strike on the nuclear facility at Yongbyon) if necessary.<sup>33</sup> During January–February 2003, Bush repeatedly affirmed that the United States had 'no intention of invading' North Korea. But the pairing of this minimalist offer of reassurance with his stated determination to keep 'all military options open' suggested that the White House had not ruled out a pre-emptive air-strike on Yongbyon to prevent its reactivation. In early March 2003, just before the launching of the Iraq War, Bush created a political stir when he remarked that if his options

to resolve the dispute with North Korea didn't 'work diplomatically', they would have to 'work militarily'.<sup>34</sup>

Because North Korea's breakout from the Non-Proliferation Treaty coincided with the war in Iraq, US military deployments on the Korean peninsula were subject to competing interpretations. During *Operation Iraqi Freedom*, the United States deployed additional bombers to the Korean theatre to bolster deterrence through an increased military presence. Rumsfeld characterised the alerting of aircraft as a prudent move to deter North Korea from engaging in 'opportunism' at a time when the United States was focused elsewhere.<sup>35</sup>

Yet to Kim Jong Il, who disappeared from public sight for 50 days during the Iraq War, US military deployments were indistinguishable from preparations for regime-decapitating air-strikes, such as those launched against Iraq. Clearly, one side's bolstering of deterrence is the other side's increased threat of pre-emption.<sup>36</sup>

Still, North Korea's reprocessing of the 8,000 fuel rods proceeded undeterred, resulting in a substantial increase in the country's stock of plutonium. Could the Bush administration have prevented the reprocessing of the rods? Though the answer is ultimately unknowable, Washington's decision to react to the October 2002 revelation about North Korea's covert uranium-enrichment programme by declaring the Agreed Framework 'dead' was clearly not helpful. While the United States needed to respond to the North Korean violation of the accord, an alternative course would have been to confine the immediate punitive action to the halting of heavy-fuel-oil shipments to North Korea. The administration could then have kept the Agreed Framework process going in name (no transfer of sensitive nuclear technology for a light-water reactor project, as called for by the framework, was immediately pending) in order to address the North Korean violation and, most critically, to maintain the plutonium freeze. The Bush administration instead responded to the uranium-enrichment violation by terminating the nuclear agreement that it had reluctantly inherited from its predecessor. But in voiding the Agreed Framework, Washington left Pyongyang

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with no open avenue for negotiations and with nothing to lose if it reactivated the Yongbyon facility. As Daniel Poneman, one of the US negotiators of the 1994 nuclear accord, put it, to confront the North Koreans about a uranium-enrichment programme of *unknown* scope and urgency, the Bush administration terminated the Agreed Framework that had frozen a plutonium programme of *known* scope and urgency. When North Korea began to reprocess the 8,000 spent fuel rods in early 2003, the Bush administration essentially acquiesced to the North's further acquisition of plutonium for additional nuclear weapons.

After North Korea acquired additional plutonium through the reprocessing of the fuel rods, the Bush administration's focus shifted from preventing activity at the Yongbyon facility to blocking North Korea from exporting fissile material or a nuclear weapon. The president's 'central worry is not what they've got, but where it goes', said one US official in mid 2003. 'The whole focus is to keep the plutonium from going further.'<sup>37</sup> It is striking, though, that in spite of Bush's emphasis on the dangerous 'nexus' of proliferation and terrorism and his reputation for muscular, straight-talking rhetoric, the administration was hesitant to lay down clear boundaries for North Korean behaviour. Senior administration officials reportedly feared that the North Koreans would view such boundaries as a challenge and deliberately cross them in their ongoing game of brinkmanship. The administration's declaratory policy was reactive and uncoordinated, with its major on-the-record statements coming in response to press queries. When asked whether the United States would allow North Korea to sell or transfer nuclear weapons, Powell declared, 'Absolutely not.'<sup>38</sup> Similarly, amidst reports of North Korean preparations for a nuclear test, National Security Adviser Stephen Hadley warned, 'Action would have to be taken.'<sup>39</sup>

Nevertheless, on 9 October 2006 North Korea conducted an underground nuclear explosion, albeit one that was registered at less than 1 kilotonne. Though North Korea had threatened to test a weapon, the conventional wisdom was that Pyongyang would refrain from crossing what was viewed as a Chinese red line. Beijing's fear that a North Korean test could potentially trigger a cascade of proliferation in the region (the potential nuclearisation of Japan and South Korea being of particular concern) was viewed as a sig-

nificant constraint on Kim Jong Il's regime. Yet Pyongyang went ahead with the test, after reportedly informing Beijing just hours in advance. The North Korean leader had apparently concluded, accurately as events proved, that his regime could win this test of wills and withstand the international reaction at the UN Security Council.

### **Implications and prospects**

A senior US Asia hand once observed that 'the North Koreans do not respond to pressure. But without pressure, they do not respond.' The same can be said of the Iranians: the November 2007 NIE states that 'Tehran's decisions are guided by a cost-benefit approach', indicating that the country does respond to external pressure. Compared to 2003, however, the United States is now in a far weaker position to conduct coercive diplomacy toward Iran and North Korea. Both countries have made major advances in their nuclear programmes – in Iran, with the inauguration of large-scale uranium enrichment at Natanz; in North Korea, with the substantial increase in its stock of plutonium and its underground nuclear explosion (though experts debate whether the test failed to achieve its anticipated yield). Both regimes have enjoyed political gains as well. In Iran, Ahmadinejad welcomed the NIE as a 'great victory' and a validation of his strategy. He was right insofar as the report's timing (coming just before UN Security Council consideration of a third resolution sanctioning Tehran for its continuation of uranium enrichment) and its emphasis (on the halting of weaponisation activities but not the acceleration of its 'civil' fuel-cycle programme) undercut the moderates, who were open to an agreement and had emphasised the costs of Iranian intransigence. In North Korea, Kim Jong Il's regime benefited from the easing of the domestic economic crisis that had led US officials to conclude that the country was 'teetering' on the verge of collapse. Improved economic conditions were due, in part, to assistance from China and South Korea, who feared the consequences of regime collapse. And while North Korea pledged to 'disable' the Yongbyon facility at the Six-Party Talks in February 2007, whether Kim Jong Il has made the strategic decision to provide a full declaration of the country's nuclear assets remains unclear.

The Bush administration is significantly disadvantaged as regards its ability both to offer credible inducements and threaten credible penalties to alter the behaviour of Tehran and Pyongyang. The challenge of restoring some degree of bargaining leverage under these unfavourable conditions must start with the recognition of a fundamental diplomatic truth: the successful application of coercive diplomacy is not possible when the goal is the maximalist one of regime change. The Bush administration has long said that 'all options are on the table' in dealing with these remaining members of the 'axis of evil', but the dilemma is that the Bush administration has put too many objectives on the table as well. The theory of coercive diplomacy incorporates the threatened or actual use of force, but any demonstrative exercise of military power must be clearly linked to a limited political objective.

With North Korea, military pre-emption is an even more problematic option than it was in spring 1994; this would be true even if the Bush administration had not elevated pre-emption (or, more accurately, *prevention* in the absence of imminent threat) as a preferred strategy in meeting global threats. A key question is whether, after a strike on North Korea's nuclear sites, intra-war deterrence – the signalling to Pyongyang that US military objectives were limited to the elimination of its nuclear-weapons programme and not the elimination of the regime – could be re-established.<sup>40</sup> The North

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Koreans could perceive and respond to a US attack on their nuclear infrastructure not as a limited 'counter-proliferation' action but as the beginning of a general war on the Korean peninsula meant to bring down the regime. According to General Gary Luck, the former commander of US forces in South Korea, such a conflict would entail economic costs of \$1 trillion and result in one million casualties.<sup>41</sup> Beyond this danger of inadvertent escalation, an even more fundamental constraint on military pre-emption is North Korea's

removal of the 8,000 spent fuel rods from their monitored cooling ponds for plutonium extraction: the United States no longer has a fixed target and could never guarantee that North Korea would not retaliate with nuclear weapons.

In Iran, air-strikes on that country's nuclear infrastructure, now a less likely prospect in the wake of the new NIE, would set back but not end the nuclear programme. More fundamentally, in Tehran, as in Pyongyang, military action would likely be viewed as the initiation of a regime-toppling war. The envisioned scope of US military action would reinforce that Iranian perception: an air campaign would likely be of the magnitude of *Operation Desert Fox* in Iraq, which spanned four days in late December 1998, rather than the lightning Israeli air-strike on Iraq's Osirak reactor in 1981. Because the prospect of a US air-strike on Iran's nuclear infrastructure has been a matter of open speculation, Khamenei has warned that a US military strike would trigger major Iranian retaliation against US interests worldwide, starting in Iraq.

Perceptions that Washington's objective is regime change create incentives for nuclear hedging and the strategic use of weapons-programme ambiguity.<sup>42</sup> To narrow that range of ambiguity, North Korea and Iran should be presented with a structured choice between the tangible benefits of behaviour change and the penalties for non-compliance. The key to this strategy of coercive diplomacy is to combine tangible pressure on core regime interests with credible US assurances of regime security, as in the case of Libya, and a clear pathway to a transformed strategic relationship. Washington's willingness to 'take yes for an answer' is a prerequisite for strong collective action if Pyongyang and Tehran say no to a fair proposal. Though both are vulnerable to economic coercion, international support for meaningful, targeted sanctions will be impossible to marshal if others believe Washington's goal is regime change rather than behaviour change.

Offering Pyongyang and Tehran a structured choice would test their intentions. Both regimes may be hesitant, each for its own reasons, to cut a pragmatic deal on their external behaviour in return for an authoritative US security assurance and other inducements. For Kim Jong Il, North Korea's nuclear weapons are its sole source of leverage – the one card that it has played repeatedly since the late 1980s. Moreover, the North Korean dictator recognises the inherent threat engagement with the world poses for the stability of his regime. Economic reforms, such as those recommended by Chinese leaders during Kim's periodic visits, carry the danger of politi-

cal contagion. A soft landing for North Korean society could mean a hard landing for Kim Jong Il's regime.

But Pyongyang's preferred strategy has on occasion come up against hard realities. When its core interests have been threatened, the North Korean regime has decisively shifted course. In 1993, in response to a 'grave' economic crisis and North Korea's altered geostrategic position, Kim Il Sung put North Korea's nuclear programme on the negotiating table. When the Bush administration imposed sanctions on North Korea in 2005 for its illicit activities (e.g. counterfeiting US currency), it accurately targeted a vulnerability of Kim Jong Il's cash-poor regime. Such sanctions were capable of pressuring, but not destroying, the regime. As a consequence of the internal divide within the Bush administration over the objective of US policy – regime change versus behaviour change – the pressure created by the sanctions on illicit activities was not married to a comprehensive strategy toward North Korea that offered a pathway to a new strategic relationship. Kim Jong Il would then have had to weigh the relative costs and benefits of continued autarky *with* a nuclear programme versus integration into international society *without* one.

In Iran, which is the leading state sponsor of global terrorism, the linkage between the theocratic regime's external and internal policy agendas is more subtle and complex. For radicals, such as Ahmadinejad, the Islamic Republic's external behaviour (such as the country's support for Palestinian groups that reject negotiations with Israel) is viewed as an integral source of domestic legitimacy. Negotiating a pragmatic deal on Iran's external behaviour, an acceptable prospect to reformists and practical hardliners in the country, would be staunchly opposed by Ahmadinejad's faction as a betrayal of the revolution. Indeed, to these radicals, the very notion of deeper integration into a liberal international order dominated by the United States is anathema. Moreover, the revenues deriving from high oil prices insulate Ahmadinejad from his radical regime's own economic mismanagement and thereby dampen domestic pressures (evident in the mid 1990s) that would otherwise press the regime to reach an accommodation with the outside world.

Not surprisingly, North Korea and Iran seek to avoid a structured choice imposed from outside. Their objective is to obtain the tangible benefits of

contact with the external world while not relinquishing their nuclear-weapons option and, above all else, ensuring regime survival. Thus, according to then Director of National Intelligence John D. Negroponte, the North Koreans view their nuclear-weapons programme 'as the best way to deter superior United States and South Korean forces, to ensure regime security, as a lever for economic gain, and as a source of prestige'.<sup>43</sup> Likewise, the new Iran NIE concludes that 'convincing the Iranian leadership to forgo the eventual development of nuclear weapons will be difficult given the linkage many within the leadership probably see between nuclear weapons development and Iran's key national security and foreign policy objectives'.

Yet both countries, like the Soviet Union a half century ago, face profound societal contradictions and hard choices: in Iran, between being a revolutionary state and an ordinary country; in North Korea, between autarky and integration. The North Korean and Iranian leaderships also face a similar dilemma to that currently dividing Washington. They too are caught between precedents – on the one hand, refusing to accept transparent weapons disarmament, as Libya once did, and on the other, facing strong international resistance to their aspiration of becoming overt nuclear-weapon states, as Pakistan did before them. US strategy must aim to sharpen these contradictions and present the countries with what columnist Thomas Friedman has called an 'excruciating' choice. But sharpening the contradictions in Tehran and Pyongyang requires that Washington resolve the contradiction in US policy over the objective of its disarmament strategy.

The prognosis is that both countries will continue to cultivate ambiguity about their nuclear programmes. With North Korea, the negotiations over the implementation of its commitment to denuclearisation will likely play out for years. As former State Department official Robert Einhorn observes, the February 2007 agreement lays down a road, but there are many potential exit ramps for North Korea. With Iran, the focus of negotiations and UN Security Council pressure will be on circumscribing that country's 'civil' uranium-enrichment programme, which provides Iran a latent capability for a nuclear breakout. As Shahram Chubin, author of *Iran's Nuclear Ambitions*,<sup>44</sup> has pointed out, the Iranian programme is determined and incremental, but is not a crash programme in the face of an existential threat. Iran is not



under urgent pressure to weaponise. Indeed, given the possible regional reaction to an overt nuclear Iran (such a development could, for example, stimulate nuclear acquisition by Saudi Arabia and Egypt), a hedge strategy suits Iran's interests. As former Iranian President Hashemi Rafsanjani put it to the Carnegie Endowment's George Perkovich in 2005: 'As long as we can enrich uranium and master the [nuclear] fuel cycle, we don't need anything else. Our neighbors will be able to draw the proper conclusions.'<sup>45</sup>

The major issue raised by nuclear ambiguity is whether the United States can live with it in a post-11 September world. The Bush administration's focus on the 'nexus' of proliferation and terrorism is driven by the nightmare scenario of a rogue state's handing off nuclear-, biological- or chemical-weapons capabilities to a terrorist group. Yet, in the Iraq case, the National Intelligence Estimate of October 2002 warned that the administration's intended course – a march on Baghdad to overthrow the regime – was the only circumstance likely to cause a 'desperate' Saddam to 'exact [such] vengeance'.<sup>46</sup> In the current nuclear crisis with Iran, the view that the Islamic Republic is undeterrable because of the character of its religious, apocalyptic regime has led some to advocate military strikes – essentially preventive war – before Iran achieves 'a point of no return' in its nuclear programme. But a major element of the new Iran NIE is the intelligence community's conclusion that Iran's leadership is guided by a 'cost-benefit approach'. The NIE's characterisation of Iran as a rational actor supports an important policy conclusion: unlike terrorist groups, states whose regimes' paramount goal is survival can be deterred. To bolster deterrence, the United States should make explicit that the transfer of unconventional-weapons capabilities to a terrorist group would trigger regime-changing retaliation. Much more likely than *direct* transfer is the 'leakage' of nuclear and other weapons-related materials to terrorist groups from states, notably Russia and Pakistan, that exert inadequate control over dangerous technologies.

With North Korea and Iran, a pragmatic pivot by the Bush administration to a new strategy of containment, built on the key elements of deterrence and reassurance, would decouple the nuclear issue from the question of regime change and harness internal forces as the agent of societal change in

these problematic states. An article that appeared in *Foreign Affairs* in 2000 shows that this realist approach is neither a radical new idea nor as unfamiliar to the current administration as it may now seem. With echoes of George Kennan, the article called for patient containment and 'classical' deterrence to address the challenge posed by 'regimes living on borrowed time'.<sup>47</sup> The author was Condoleezza Rice, then a foreign-policy adviser to presidential candidate George W. Bush.

### Acknowledgements

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