

The Iran Deal: Precedent for East Asia?
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Introduction

The July 2015 Joint Comprehensive Plan of Action (JCPOA) held between China, France, Germany, Russia, the United Kingdom, the United States, the European Union, and Iran over Tehran's nuclear program has led to questions regarding its implications for Asia and whether it is a precedential model that can be applied to negotiations with other nuclear aspirants. United Nations Security Council Resolution 2231 correctly states that "all provisions contained in the JCPOA are only for the purposes of its implementation between E3/EU+3 and Iran and should not be considered as setting precedents for any other State."¹ In particular, it does not set a precedent for future negotiations with North Korea (Democratic People's Republic of Korea or DPRK) because the two cases are entirely different, although for the time being, some aspects of the JCPOA could be benchmarks for more intrusive verification and inspection protocols and enhanced safeguards. However, one key ingredient is that a negotiating counterpart must be willing to cut a deal and forgo a nuclear weapons program. The Iran deal, as successful as it was, continues to raise questions about choosing an ad-hoc or case-by-case approach to solving nonproliferation challenges, which could make it more difficult to persuade other countries to forgo sensitive fuel cycle capabilities.

Asian Reactions

North Korea has rejected the region's hopes for positive spill-over effects on Pyongyang's nuclear ambitions. Its Ambassador to China, Ji Jae-ryong, said in a press conference, "The

¹ UN Security Council Resolution 2231 Article 27.

situation of the DPRK is quite different from that of Iran. The DPRK is a nuclear weapons state both in name and in reality... And it has an interest as a nuclear weapons state.”²

Meanwhile, countries in Asia have welcomed the Iran deal—with reactions that tend to focus on differing definitions of “precedential”—and have generally emphasized: 1) the mechanism or approach of solving a problem through dialogue or diplomacy and flexibility; 2) the political or geopolitical concerns of the Iran deal’s implications; or 3) the political will and attention required to solve a problem over an emphasis on the nonproliferation aspects of the Iran deal.

The following is a simple survey of reactions from Asian countries, and while they are overgeneralizations that do not reflect the entirety of each country’s views, they still offer an idea of the aspect(s) of the Iran deal that was deemed important.

China has heralded the Iran deal as precedential, with its Foreign Minister Wang Yi saying the Iran deal is “a positive reference for coping with other international and regional hot spot issues, including the nuclear issue on the Korean Peninsula.”³ An editorial in the *South China Morning Post* believes that, “The Iran pact offers a way forward. While North Korea is a markedly different situation, the approach of realistic goals backed by thorough inspections rather than a forced scrapping of nuclear programmes makes greater sense.”⁴ On the other hand, some Chinese scholars have voiced skepticism, arguing that the Obama administration lacks the incentives to push for progress or resolution to the North Korean issue, saying that, “North Korea lacks Iran’s geopolitical heft... [and] the threat from Pyongyang helps Washington to justify policies associated with its pivot to Asia.”⁵

² “N. Korea says no interest in talks on freezing its nuclear program ‘unilaterally first,’” *Yonhap News Agency*, July 28, 2015, <http://english.yonhapnews.co.kr/search1/2603000000.html?cid=AEN20150728004800315>.

³ Chen Mengwei, “Iran deal ‘not right blueprint’ for Korean Peninsula,” *China Daily USA*, July 29, 2015, http://usa.chinadaily.com.cn/opinion/2016-01/13/content_23058131.htm.

⁴ Editorial, “Nuclear deal with Iran can act a model to rein in North Korea,” *South China Morning Post*, September 18, 2015, <http://www.scmp.com/comment/insight-opinion/article/1859194/nuclear-deal-iran-can-act-model-rein-north-korea>.

⁵ Carla Freeman, “China Ponders: Does the Iran Nuclear Deal Mean North Korea is Next?” *38th North*, September 10, 2015, <http://38north.org/2015/09/freeman091015/>.

South Korea also hailed the approach of Iran deal, with Foreign Minister Yun Byung-se saying, “It can be a shortcut to the six-party talks...I think it’s a good time for South Korea, the U.S. and China to have full-fledged discussions. It would serve as a very important coordination mechanism.”⁶ Similarly, an editorial in the leading newspaper *The JoongAng Ilbo* stated, “The conclusion in the Iranian nuclear saga raises hopes that a similar breakthrough may be possible for the North Korean nuclear problem. Washington has been dragging its feet on the North Korean nuclear issue...The resolution of the Iranian problem may persuade many in Washington to look towards the east.”⁷

Russian expert commentary included, “Agreements on the Iranian nuclear program lay a good foundation to activate efforts on resolving the crisis in DPRK [North Korea],”⁸ while Indian reactions emphasized the need to resolve problems peacefully through dialogue by respecting Iran’s right to peaceful uses of nuclear energy. However, some also expressed concern over the geopolitical implications of the Iran agreement. For example, some are concerned about a potential arms race in the Middle East, such as possible cooperation between a Saudi Arabian nuclear build-up and Pakistani support or concerns over balancing Indian relations with Israel and Iran.⁹ They also voiced caution that “the manner in which the U.S. has sidelined the Saudi and Israeli concerns in favour of working out this deal with Iran is being closely watched by the Asian allies such as Japan and South Korea. They will worry about a potential situation where the U.S. will work with North Korea in securing a similar deal, yet again abandoning the concerns of the U.S. allies.”¹⁰

In a similar vein, some American experts contend, “In Asia, American allies such as Japan worry that a U.S.-China agreement could produce a separate peace that would undercut the interests of other regional powers—just as the Iran nuclear deal has been met by opposition in Israel, Saudi

⁶ Lee Chi-dong and Lee Haye-ah, “Time for Iran-style talks with N. Korea: FM Yun,” *Yonhap News Agency*, January 26, 2016, <http://english.yonhapnews.co.kr/search1/2603000000.html?cid=AEN20160125009451315>.

⁷ Editorial, “Don’t miss the opportunity,” *JoongAng Daily*, July 16, 2015, <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=3006690>.

⁸ “Iran Nuclear Deal to Give Impetus to Solving Korean Crisis,” *Sputnik News*, July 14, 2015, <http://sputniknews.com/politics/20150714/1024614461.html#ixzz3yZhCioZe>.

⁹ Rajesh Rajagopalan, “Iran nuclear deal: The promise and the peril,” *Observer Research Foundation*, July 20, 2015, <http://www.orfonline.org/research/iran-nuclear-deal-the-promise-and-the-peril/>.

¹⁰ Rajeswari Pillai Rajagopalan, “Iran nuclear deal: Mountains of uncertainty,” *Observer Research Foundation*, July 17, 2015, <http://www.orfonline.org/research/iran-nuclear-deal-mountain-of-uncertainties/>.

Arabia, and the Gulf States threatened by Washington's 'Persian pivot'....So the results may produce exactly the proliferation, proxy wars and great power conflicts that [the] Iran deal is designed to prevent."¹¹

Implications for the Korean Peninsula

South Korea. The Iran nuclear deal was expected to anger or embolden proponents¹² of South Korean nuclear independence and indigenous capability to enrich uranium and reprocessing spent nuclear fuel. The successful completion of the new U.S.-ROK civil nuclear cooperation agreement¹³ appears to have quieted arguments for nuclear independence but may have bolstered desires for enrichment and reprocessing among minor circles. However, despite Washington having allowed Tehran to retain a limited enrichment capability, Seoul is legally not allowed to enrich U.S.-origin uranium, and global suppliers are expected to refrain from providing South Korea with enrichment technologies. Still, calls within South Korea for acquiring an indigenous enrichment and reprocessing capability may resurface when it is time to renew the 20-year bilateral agreement, depending on the results of an on-going U.S.-ROK Joint Fuel Cycle Study.

North Korea. Many Korea watchers hoped the momentum of multi-nation negotiations on Iran would lead to jumpstarting the Six Party Talks on North Korea. Under current circumstances, there appears no chance for such an effect, particularly in light of a fourth nuclear test in January 2016 and the administration's focus on intensifying pressure to change Pyongyang's behavior. Barring a major crisis on the Peninsula, it is also difficult to imagine that the Obama administration has any political capital left to spend on the North Korean nuclear problem through engagement when it is heavily invested in other urgent priorities such as Iran, ISIS, Syria, and domestic issues. Coming under fire domestically by dealing with one "rogue" state, Iran, is a challenging battle. To deal with two "rogue" states is not feasible.

¹¹ Daniel Twining, "Iran deal could undercut US pivot to Asia," *Nikkei Asian Review*, July 16, 2015, <http://asia.nikkei.com/Viewpoints/Perspectives/Iran-deal-could-undercut-US-pivot-to-Asia?page=2>.

¹² Duyeon Kim, "Beyond the Politics of the U.S.-South Korea 123 Agreement," *Carnegie Endowment for International Peace*, October 29, 2014, <http://carnegie-mec.org/2014/10/29/beyond-politics-of-u.s.-south-korea-123-agreement>.

¹³ Duyeon Kim, "Decoding the U.S.-South Korea Civil Nuclear Cooperation Agreement: From Political Differences to Win-Win Compromises," *CSIS Korea Chair Platform*, September 30, 2016, <http://csis.org/publication/decoding-us-south-korea-civil-nuclear-cooperation-agreement>.

The main difference between the Iranian and North Korean case is that Tehran was willing to negotiate a deal. In turn, Washington grabbed the window of opportunity with full force to prevent Tehran from obtaining all four pathways to the bomb, which intersected with Tehran's desire to negotiate for sanctions relief. Tehran is reliant on the international financial system and does not have a life-line similar to China's for North Korea. Moreover, the Iran deal has applied many lessons learned from North Korea—it is a verification deal, whereas the Six Party Talks forged several interim deals but eventually broke down because of disagreements over a verification protocol. The terms of the Iran deal would also be unattractive to Pyongyang since it does not want to constrain its nuclear programs, but rather to develop a fully-functioning nuclear and missile capability.

Getting a deal with Iran was certainly difficult, but the hardest and longest haul will be implementing the agreement effectively with all parties upholding their ends of the bargain, something that will require even more fervor and time than striking a deal. North Korea is no exception to the complexities of negotiation and the reality of time constraints, particularly with only months left of the Obama presidency. While the administration is still open to talks with Pyongyang, and as much as the North Korean nuclear problem poses a grave security threat to the U.S. and its allies, the reality is that the cost for engagement is even higher after the North's latest nuclear test, and the political climate in Washington currently is not ripe for an easy resumption of negotiations. No U.S. administration, particularly this one, would want to take such a grave political risk, especially after twenty years of what Americans see as North Korean lies and noncompliance and failed attempts to curb Pyongyang's nuclear and missile developments. This is why the terms of talks have been particularly important at this juncture. The Obama administration would need some sense of predictability that renewed talks would lead to credible and substantial progress.

Now, however, the fundamental problem and challenge is to convince the North to discuss nuclear matters. It has rejected Washington, Seoul, and Beijing's overtures to talk, particularly the Obama administration's numerous attempts to reach out to the North via multiple channels. Pyongyang has made it clear both publically and privately that it is uninterested in nuclear talks with Washington, and instead, continues to demand discussions to forge a peace agreement to

formally end the Korean War. It has also declared in public and private statements that it desires arms control talks with Washington.

The next U.S. president—whether Republican or Democrat—is unlikely to engage in bold diplomatic gestures on the North Korean front, particularly if Pyongyang continues its provocations. Democratic candidates are said to be skeptical that Kim Jong Un can be persuaded to surrender his nuclear ambitions, and Republicans are known to be even more reluctant to give diplomacy another try.

When the opportunity for negotiations does arise, there will be questions as to the definition of the objective of negotiations. The ultimate objective has always been and should continue to be denuclearization, despite growing skepticism that Kim Jong Un would abandon his nuclear programs, because the regional consequences of lowering the bar are simply too great. However, the United States, South Korea, Japan, and China may want to aim for a freeze as an interim objective, which would contain the growing threat and address the potential transfer of nuclear and missile components to other states. At this point, the United States and South Korea should be prepared to simultaneously begin discussing, informally or formally, a peace agreement on the Korean Peninsula. The main concern will be North Korean tactics to hold nuclear talks hostage to peace agreement talks, which is why sequencing and choreography will be critical. This is also why the understanding during the Six Party Talks was that peace regime discussions would begin after they had drawn up a roadmap for the dismantlement of North Korea's nuclear facilities and programs. The dismantlement phase was the last of three stages agreed upon during the multilateral framework: freeze, disablement, and dismantlement. The Six Party Talks collapsed during the disablement phase, during which 11 key nuclear facilities were disabled.

Reality may put all the odds against a diplomatic resolution to this problem. However, inaction will not solve the problem. When the time is ripe, political will by the next president and effective diplomacy backed by pressure will be needed to contain and eventually resolve the problem.

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