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What Did We Learn From KEDO?

Summary

- The Korean Peninsula Energy Development Organization (KEDO) was a unique multilateral body established to implement the 1994 US-North Korea Agreed Framework (AF) and designed to end Pyongyang's nuclear weapons program. KEDO—headquartered in New York City with a multilateral staff—was run by an executive board consisting of representatives of the United States, Japan, South Korea, and the European Union.
- KEDO operated effectively for a decade, working closely with North Korea in starting to build two light-water nuclear reactors Pyongyang was to receive under the 1994 agreement. Based on that decade of operations, a number of important lessons were learned that will be relevant for any future multilateral security organizations in Northeast Asia or established to implement agreements to resolve the nuclear crisis with North Korea and Iran.
- One lesson is that the mission of a technical organization charged with implementing a diplomatic agreement must be backed by sustained, high-level political leadership. Inevitable problems with complicated agreements can sometimes be solved by bureaucrats, but often require political intervention. Without that intervention, the agreements can suffer and perhaps even collapse.
- Another lesson is to be clear-eyed about the trade-offs in giving the organization more or less independence. On the one hand, sustained involvement by the key countries involved in an organization will be important in calling on political intervention. However, too much meddling or micromanagement can hamstring an organization.
- Third, technical problems can, and very often will, become political problems, creating mistrust and slowing implementation. Any complicated agreement is likely to be implemented in phases. The phases, schedules, and facets will rarely be in perfect alignment; a major disruption or delay in any of the three will have significant consequences. This was certainly the case with KEDO where the multibillion dollar project was subject to delays, giving rise to North Korean charges that the United States was not serious about implementation.
- Fourth, it is important not to underestimate the organizational difficulties of implementation. Diplomats reach agreements but often underestimate the tremendous practical difficulties of implementation. These problems can be especially pronounced during the start-up phase, precisely when, under ideal circumstances, implementation should get off to a running start.
- A KEDO-like organization can produce important positive externalities. While the organization's work may be primarily technical, it can produce a range of positive externalities. In the case of KEDO, that meant providing a forum for the United States, Japan, South Korea, and others to speak with one voice regarding North Korea, serving as a vehicle to engage the European Union on the Korean peninsula and demonstrating that multilateralism could work in Northeast Asia.

In the fall of 1994, North Korea agreed to freeze, and eventually dismantle, its plutonium production and separation facilities in exchange for two light-water nuclear energy reactors, heavy fuel oil (HFO), and movement toward normalization of political and economic relations with the United States. North Korea also agreed to submit its nuclear facilities to a heightened inspections regime led by the International Atomic Energy Agency (IAEA). The bargain was enshrined in the AF, signed by the United States and North Korea on October 21, 1994.

To implement that agreement, the United States joined with South Korea and Japan to establish a multilateral organization, the Korean Peninsula Energy Development Organization (KEDO). Eventually expanded to include the European Union as a member of its executive board—and with the general membership of ten other countries—KEDO’s responsibilities were twofold. First, the organization was tasked to “provide for the financing and supply of a light-water reactor” (LWR). Second, KEDO was responsible “for the supply of interim energy alternatives in lieu of the energy from the DPRK’s graphite-moderated reactors.” Over the next eight years, the New York-based organization set about its task, eventually beginning construction of two LWRs at Kumho in North Korea, a complex undertaking that not only cost billions of dollars, but countless man-hours devoted to coordination between the members of KEDO and working with North Korea.

In 2002, the AF unraveled and, with it, KEDO. The United States began to suspect a few years earlier that North Korea had a secret, undeclared program to master uranium enrichment that could be used to build nuclear weapons and circumvent the limits set in the AF. Those concerns mounted in mid-2002 when, Washington later claimed, it received new information casting doubt on

North Korea’s compliance with the 1994 agreement. In October 2002, Assistant Secretary of State James Kelly traveled to Pyongyang to confront North Korea with evidence of the program. Though the details of Kelly’s exchange with the North Koreans are in controversy, the United States interpreted North Korea’s response as an admission that it had a secret uranium enrichment program. KEDO’s executive board suspended HFO shipments to North Korea and announced a one-year suspension of work on the LWR project. Pyongyang responded by expelling IAEA inspectors from the Yongbyon nuclear facility, announcing its withdrawal from the Nuclear Non-Proliferation Treaty (NPT), and restarting the plutonium production and separation activities that the AF had kept frozen since 1994.

While KEDO and the AF it was tasked with implementing may now be moribund, the concept of establishing a multilateral organization to help implement an important security agreement still has relevance today. More specifically, trading LWRs or other forms of technical cooperation on nuclear power in exchange for a country’s abandoning sensitive nuclear activities or weapons program remains very much alive. The United States and other governments have supported civilian nuclear cooperation with Iran and North Korea as one incentive for both countries to forgo their respective nuclear programs. A deal with either country would require the parties to create a KEDO-like entity to implement the agreement and manage the complex, technical demands of facilitating civilian nuclear cooperation. Thus the lessons learned from the KEDO experience may have relevance for the establishment of future multilateral organizations in Northeast Asia, as well as for organizations in other parts of the world requiring multilateral solutions to specific pressing problems.

Luckily, there is no need to reinvent the wheel—the operation of KEDO for more than ten years provides a wealth of data on how to optimize the performance of such an organization. To that end, in November 2006, the Stanley Foundation, in collaboration with the Weatherhead East Asian Institute at Columbia University, convened a two-day conference entitled “What Did We Learn From KEDO?” The meeting, which was also intended to feed into a keynote KEDO oral history project, brought together a distinguished group of experts and policy practitioners who had firsthand experience with KEDO to explore possible lessons learned from KEDO’s ten years of operation. Participants spanned the entire lifetime of the organization and included former executive directors of KEDO, senior staff members, and officials from KEDO’s member countries. Collectively, the group brought many decades of experience to the table in

international diplomacy, civilian nuclear cooperation, and nonproliferation. To the participants’ knowledge, it was the first time that such a group had been brought together for such an exercise.

The conference was intended as the first step in a KEDO Oral History Project, which is designed to answer two sets of questions: what are the lessons from KEDO and how can these be applied to future efforts at multilateral cooperation, first of all in Northeast Asia, but even more widely?

There is a definite urgency to the task of capturing the intricacies of the processes by which decisions were made and policy deadlocks among the four KEDO executive board members either resolved or left to become more pronounced over time. KEDO is currently in the final stages of dismantlement and the sources necessary (both in terms of people and

files) for preserving for future use an in-depth understanding of what happened, and why, will soon be impossible to reassemble. This is far more than a question of preserving history. KEDO was a unique multinational undertaking, and losing the ability to understand the complexities and nuances of its operational existence (including executive board decision making, coordination among the technical and policy components of the organization, and sustaining a working relationship with the North Koreans for more than a decade) would be a great loss.

The second set of questions—what are the lessons learned and how can they be applied to similar multinational efforts in the future—will move into the policy realm. These lessons will touch on (1) establishing effective multilateral organizations designed to implement their missions; (2) managing relations between the organization's member countries, between countries and the organization's secretariat, and between the organization and the host country in the case of nonproliferation agreements; (3) securing stable financial arrangements; and (4) understanding how issues of phasing spelled out in the original diplomatic agreement may not translate well into the actual process of implementation. It seems self-evident that the KEDO experience contains useful lessons that can be applied to such questions, but the record must be established and the right questions need to be asked. The project's conclusions will prove particularly timely since they will be issued in late 2008, just before a new US administration takes office and begins its own review of possible approaches to dealing with the North Korean problem.

Background: KEDO'S Lifecycle

Under the AF, the United States agreed to “make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003” and “500,000 tons annually” of HFO. According to the AF, an international consortium was to have responsibility for financing and supplying the LWR project, and KEDO was created by the United States, the Republic of Korea, and Japan to meet this need. It was also given responsibility for financing and supplying the HFO.

KEDO began as a tripartite international organization comprised of the United States, South Korea, and Japan. KEDO added the European Union to its executive board—the main decision-making body—in

September 1997. It took on additional members throughout its existence, including Argentina, Australia, Canada, Czech Republic, Chile, Indonesia, New Zealand, Poland, and Uzbekistan.

The original executive board countries bore most of KEDO's costs, with Japan and South Korea contributing the lion's share of funding for the LWR and the United States financing most of the HFO shipments. These obligations were, for the most part, reached during the final stages of negotiating the 1994 agreement by the three original members. Euratom was the fourth largest financial contributor to KEDO. The organization's expanded membership not only spread the financial burden across a greater number of states but also furnished it with the greater legitimacy that often comes with multilateralism. KEDO's secretariat was located in New York, and had more than 30 personnel (including consultants) at its peak. Most of the staff came from the United States, South Korea, and Japan. KEDO also had staff at its LWR construction site in Kumho, North Korea, until January 2006.

KEDO's doors officially opened in New York on July 19, 1995, a month after the United States and North Korea agreed on technical details for the LWR project. As the organization grew in size and responsibilities, it moved to engage the North as it began its implementation tasks. In late 1995, after signing a contract with North Korea to build the LWRs, it began the task of negotiating a series of protocols necessary to get the project under way and protect KEDO's personnel and assets at the Kumho construction site. Also beginning in 1995, KEDO started the HFO shipments to the North, although because of funding shortfalls—a constant problem for the organization—these were on an irregular schedule and often late. In March 1996, confirming the original intentions of KEDO's founding partners, the organization formally named the Korea Electric Power Corporation (KEPCO)—a majority South Korean government-owned utilities company—as the prime contractor for the LWR project.

As the organization moved forward, it became clear that KEDO could potentially serve a number of positive roles beyond simply carrying out the AF.

- First, KEDO helped promote nuclear nonproliferation norms embodied in the 1994 agreement, both international norms in the NPT and regional norms in the 1991 North-South Denuclearization

Declaration. Its implementation of the reactor project was also the key to allowing continuous access by the IAEA to the North's main nuclear site at Yongbyon and, as envisioned in the AF, to broader inspections that, over time, would expand to ensure the DPRK's full compliance with IAEA safeguards and adherence to the NPT.

- Second, KEDO encouraged dialogue between North and South Korea, helping to lessen tensions on the peninsula. Especially important during the mid-1990s, when there was little North-South dialogue, these contacts were expected to grow as the KEDO project accelerated.
- Third, KEDO promoted engagement with, and modernization of, North Korea. As the first major Western construction project in the North, the LWR project was expected to form the basis for change in a key sector of that country's economy. In turn, those changes would have a ripple effect, requiring, for example, changes in the North Korean legal structure and exposing an increasing number of North Koreans to Western practices.
- Finally, KEDO was an important mechanism for harmonizing national policies, not only by giving South Korea, Japan and, later, the European Union a seat at the table in resolving an important security issue but also through its practice of consensus-building.

However, serious problems arose. There was a lack of sustained, high-level involvement from the capitals almost from the beginning. Once formed, KEDO was largely treated as a technical organization rather than one integral to the ongoing and successful fulfillment of the Agreement Framework in its broadest sense. There were also ongoing differences between the executive board members over the scope of their financial commitments, and huge technical problems associated with a multibillion dollar construction project in an isolated country like North Korea. Even more serious, extraneous incidents intruded on the process of implementation. In September 1996, when a North Korean spy submarine ran aground in South Korean waters, KEDO's reactor project was suspended at Seoul's insistence until the North apologized. While the problem was eventually resolved and work resumed, the incident was a severe setback to KEDO's activities which, before the crisis, were gathering momentum. The incident underlined how susceptible the organization was to political winds

from the executive board, a lesson learned again in 1999 when Japan almost retracted funding for KEDO in the wake of a North Korean missile test and, after 2001, when the new US administration began cutting back support for the organization.

Funding was a particularly difficult, persistent problem. Having led the way in reaching the 1994 agreement and convincing South Korea, Japan, and others to provide political and significant financial support to its implementation, the Clinton administration then undermined that process through its own actions. In 1995, Secretary of State Warren Christopher told the US Congress that the United States would limit its contribution to implementation to no more than \$30 million a year, almost all of which was for funding HFO shipments. Washington was unable to contribute any funding to implementing the LWR project because of opposition in Congress. As a result, the United States seriously undermined its claim to leadership in implementing the agreement. Neither Tokyo nor Seoul thought the US contribution was commensurate with the strategic importance of the AF.

LWR construction moved ahead until late 2002, with groundbreaking at the site, and agreement within the executive board over how to share the cost of the estimated \$5 billion project. South Korea was to pay for up to 70 percent of the project, Japan an estimated 20 percent, and the European Union an estimated 15 percent. The United States did not commit to any specific amount of funding for the LWR project or the HFO up front, although over the lifetime of KEDO, Washington contributed hundreds of millions of dollars to the HFO account. In August 2002, the LWR project reached a symbolic milestone at the construction site when the "first concrete" for the main power plant building was poured at a ceremony attended by executive board members, DPRK officials, and the international press.

Two months later, following US Assistant Secretary James Kelley's visit to Pyongyang, KEDO entered a period of decline and, eventually, dissolution. The immediate problem stemmed from suspicions over a clandestine North Korean uranium enrichment program but, more fundamentally, it sprang from deep distrust of and dissatisfaction with the AF by the Bush administration. Washington insisted that KEDO halt HFO deliveries and made clear that it would begin pulling back financial and political support from the organization. Construction of the LWRs was slowed, then suspended, and finally terminated, amidst con-

siderable wrangling among executive board members about how to handle these developments. For a short time, the focus of work turned to “preservation and maintenance” of construction at the site and components fabricated off site. Problems were most acute not with the North Koreans, who generally continued to abide by the protocols, but within KEDO itself, over questions of how to handle the commercial, technical, and legal challenges posed by slowing and then stopping work. By mid-2005, the United States pulled out of the organization in all but name, leaving it to cope with mounting problems, no real leadership, and constant signals that it wanted KEDO to be dissolved. The last KEDO workers left the construction site in January 2006.

Lesson 1: All Politics Is Local

The mission must be backed by sustained political leadership. American leadership was crucial not only in the formation but also the continued smooth operation of KEDO. US leadership was evident, and important, in keeping the organization on track through the 1996 submarine crisis and the 1998 missile crisis. Beginning in 2001, however, when Washington began pulling back its support, eventually refusing even to pay its share of KEDO’s annual operating costs, the organization faced cascading problems, both in terms of its own internal operations and its broader mission purpose.

This lack of US financial commitment to KEDO’s major project, the LWR construction, was particularly harmful to US leadership, although almost equally serious was Washington’s limits on what it would (or could) spend on HFO shipments. The result was long-term dissatisfaction by Japan and South Korea, who did not think the US contribution was commensurate with the strategic importance of the AF.

The same is likely to be true for any new organization established to implement an agreement in the current six-party talks and may be equally the case for other endeavors—such as in resolving the Iranian nuclear issue. Washington will have to commit significant political and financial resources to implementing any new arrangements, with North Korea or elsewhere. Trying to solve such problems on the cheap hobbles them from the beginning. Aside from funding, Washington will have to play—and keep playing—a central role in resolving the North Korean nuclear issue. For reasons involving their own domestic politics and difficulties in their bilateral relations, neither Japan nor South

Korea can carry out that role and neither is prepared to let the other do so. Whether China could do it is an open question, not the least because the North Koreans might not accept any process that gives Beijing too much influence.

There also should be a more concerted effort by all involved capitals, but especially from Washington, to ensure that whatever organization is formed to implement a replacement to the AF retains deep and sustained linkage to the original diplomatic goals out of which it was formed. In KEDO’s case, senior political leaders in all of the capitals understood that the AF was about stopping a serious regional and international security threat—North Korea’s nuclear weapons program—while building a bridge to a more peaceful, stable Northeast Asia. Yet they seemed to disengage from KEDO soon after it was created, leaving the organization to grow and develop in ways that would support its narrower mission (i.e., building LWRs), rather than keeping the focus on its fundamental purpose (supporting the AF).

Finally, there needs to be a special effort to guard against the incorrect assumption that an implementing organization tasked with a technical, managerial mission such as KEDO does not require the sustained attention and support that would normally be invested in other, more familiar, policy pursuits. The line between policy development and implementation, however, is often indistinct, as shifting realities on the ground or bureaucratic scuffles require the fresh thinking and direction that only senior political leadership can marshal. Moreover, the implementation of a task as technically complex and politically sensitive as constructing LWRs in a country that is still at war with two of the main parties can also engage bureaucratic interests that are diverse and intense. KEDO ultimately came to be dominated by mid-level bureaucrats who could neither resolve difficult problems when they cropped up nor engage the attention of the more senior officials who might have been able to solve those problems. This was particularly true of ongoing funding gaps. Lack of funds for annual HFO shipments meant that KEDO was almost always late in meeting this obligation, increasing suspicions in Pyongyang about US intentions for the AF process overall, and undermining the ability of the AF to achieve its goals.

Lesson 2: Even in Utopia, There’s Myopia

Be clear-eyed about the trade-offs in giving an organization more or less independence. While political leadership is crucial to ensuring that an organization

like KEDO has the financial and political resources necessary to fulfill its technical mandate, it is also true that too much meddling or micromanagement can hamstring the organization. This is a difficult, but critically important, balancing act.

In KEDO's case, governments often became overly involved in purely technical issues, second-guessing KEDO's technical experts and repeatedly calling for studies that were primarily important to satisfy domestic political requirements rather than advancing KEDO's projects or its larger AF purpose. In other cases, governments insisted on micromanaging KEDO's negotiations with the North, not to increase the chances of success at the talks but to limit domestic flak.

An organization that is more independent from the constituent governments is, in theory, less directly influenced by them or by geopolitical developments on a day-to-day basis. This can help shield the organization from the ebb and flow of domestic politics in the various capitals. It can also help an implementing organization like KEDO gain a measure of confidence from the recipient country, keeping interaction between the two on an even keel.

Lesson 3: The Technical Is Political

A complex construction project like building a nuclear reactor has technically driven schedules and commercial facets. A complex diplomatic agreement aimed at halting another country's nuclear weapons program is likely to be implemented in phases. The phases, the schedules, and the facets will rarely be in perfect alignment; a major disruption or delay in any of the three will have significant consequences for the other two.

Preparing the construction site at Kumho—literally moving a mountain to get to the stable bedrock foundation—and building the infrastructure necessary to support the workforce, added years to the timetable, giving rise to North Korean charges that the United States was not serious about implementing the AF. Difficulties securing a manufacturer for a key LWR component—the turbine generators—set back the timetable even more.

There will be no way to foresee all of the technical or political problems that may crop up for a future organization. Probably the best that can be done—and it will be no small task—is to ensure that the technical components of the organization become as familiar and conversant as possible with the political

facets of the job, and that the political components become familiar with the technical/commercial world that will form a large part of the process.

Lesson 4: It's in His Kiss

Don't underestimate the organizational difficulties of implementation. The creation of KEDO presented a daunting organizational challenge. There was great uncertainty in each of the capitals over how it would function. Aside from the fact that KEDO was the first multilateral organization ever created for a specific purpose in a region where there had been no real history of such close cooperation, there was also very limited experience working in or with North Korea. This pervasive uncertainty—along with the rapid creation of KEDO following the conclusion of the AF—had a negative impact on the organization as it attempted to fulfill its mandate. Compounding the challenge were mundane, but not surprising, problems associated with establishing a new organization, such as recruiting qualified personnel. However, there were also other problems, notably fashioning working relationships between personnel from different countries with different operational, bureaucratic and, to some extent, cultural styles.

Organizational problems were pronounced during the start-up phase when it could be argued that moving out quickly with implementation was both politically and technically essential. It was politically important to establish credibility, especially with the recipient country—in this case a North Korea that was skeptical and even hostile toward KEDO. But it was also technically important given the complexity involved in building LWRs in North Korea, as well as the deadlines set in the AF for accomplishing that task. Closely tied to those deadlines were steps that North Korea was required to take to denuclearize, including allowing the conduct of international inspections, shipping out its spent fuel, and dismantling nuclear facilities. Yet, beyond negotiating the KEDO charter, recruiting its executive leadership, establishing KEDO headquarters in New York City, and providing initial funding, little more was done to launch the organization. Although it worked over time to minimize and overcome these problems, the side effects continued until KEDO's eventual demise.

A case in point was KEDO personnel and staffing. Given the need to move quickly toward implementation of the AF, it was essential for KEDO to rapidly recruit qualified personnel. However, the

organization started out with no real personnel policy. Decisions were largely ad hoc and made at the discretion of participating countries. The United States, South Korea, and Japan—which accounted for most of the organization’s staff—assigned personnel with varying degrees of independence from their respective capitals. Both South Korea and Japan, for example, detailed personnel from their foreign ministries. Washington, on the other hand, was much more flexible, seeking qualified personnel from a mix that included former government officials and private experts, few of whom had ties to the US government.

Such a system provided for the rapid ramp-up of the organization, but it had implications that lasted until KEDO’s demise, i.e., the long-term tension between KEDO personnel employed directly by the organization and those on loan from the executive board’s governments. Perspectives, judgments, definitions of mission—all were subtly (and sometimes not so subtly) influenced by where one came from and, even more important, where one expected to return. Such tension has certain benefits. The question is, however, what mix of detailees and permanent employees produces the best result.

While KEDO was able to cope with difficult organizational issues, its experience argues for future negotiators to more seriously consider the requirements of implementation—and organizations they may contemplate establishing—before the ink is dry on any agreements. That might entail a number of steps, including: (1) a detailed study of not only the KEDO experience but also of other operating international organizations, (2) compiling a how-to guide or checklist of administrative and other tasks in order to rapidly and effectively establish a multilateral organization, and (3) consulting with individuals who have experience working in existing or in establishing new international organizations.

Lesson 5: Virtuous Fuel Cycles

A KEDO-like organization can produce important positive externalities. KEDO’s work was primarily technical in nature, but it produced a range of positive externalities. KEDO provided a forum for the United States, Japan, South Korea, and other countries to speak with one voice to North Korea; served as a vehicle for engaging the European Union on the Korean peninsula; and demonstrated that multilateralism could work in Northeast Asia. It also provided a rare window into North Korea politics and decision making.

A future KEDO-like organization may likewise face the challenge of how to transform an adversarial relationship into a cooperative one. Over time, and through iterative negotiation and bargaining “games,” KEDO managed to forge relatively good working relations with North Korea. The importance—and significance—of this cannot be overstated. The relationship began as antagonistic and adversarial. North Korea initially accepted KEDO only because the United States insisted that such a multilateral organization was the only way to move forward with the LWR project. At first, Pyongyang would have little to do with KEDO staff other than the Americans working for the organization. But over a short period of time, the situation changed as the two sides began to engage in the practical work of implementation, one that branched out to quickly include South Koreans working for the organization. In 2002, after a clash between the North and South Korean navies, the two sides utilized a newly instituted KEDO direct air route as a way of defusing tensions. It is interesting to note that even after the AF began to unravel in late 2003, North Korea did not seriously threaten KEDO personnel but maintained a productive working relationship with the organization.

While KEDO was just one of many organizations working on the ground in North Korea until the collapse of the AF, underlying the broader transformation of its relations with North Korea was a wealth of day-to-day experience—gained from almost daily face-to-face negotiations over various aspects of the project. This experience will be invaluable to any future multilateral efforts to work with the North Koreans. For example, explicit rules and regulations governing the actions of all participants, while time-consuming to negotiate, are critical in providing a framework for cooperation. KEDO’s detailed protocols governing both sides’ responsibilities and actions at the reactor site were highly successful in this regard and might be used directly as a foundation for future agreements.

Conclusion

The lessons learned from the KEDO experience may have relevance for the establishment of future multilateral organizations in Northeast Asia, as well as for organizations in other parts of the world. Because deals with North Korea or Iran could include civilian nuclear energy, or other forms of assistance, they may require the creation of a KEDO-like entity to implement the agreement and manage complex, technical demands. While this session’s conclusions

were preliminary, the lessons will touch on establishing effective multilateral organizations designed to implement their missions and managing relations between the organization's member countries, between countries and the organization's secretariat, and between the organization and the host country in the case of nonproliferation agreements, particularly in working with North Korea. Additional lessons will include securing stable financial arrangements, and understanding how issues of phasing that are spelled out in the original diplomatic agreement may not translate well into the actual process of implementation.

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