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## The Korean Peninsula on the Eve of the Biden Administration: Politicized Nuclear Question and Great Power Politics

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The outcome of the US Presidential election in 2020 was mired in controversy amid views that conservative judges in the Supreme Court could help President Donald Trump, given that six members of the court are conservatives, including three nominated by Trump. Outside the US, discussions about politicizing justice tend to focus on European nations such as Poland, where the administration intervened in the court, calling for overthrowing communist power. Meanwhile, the Moon Jae-in administration in South Korea (or the Republic of Korea, ROK) also showed a similar tendency. The ROK government vowed to wipe out the “pro-Japanese” from the time of colonial era, politicizing it judiciously.

Both President Trump’s advocacy of opposing “socialists” and President Moon Jae-in’s attempt to obliterate the “pro-Japanese” represent movements to meet political norms as to how a nation should appear. In general, the awareness that the existing regime does not meet the norms leads to political activism for altering justice which represents the system. The same political norms can also shape national security.<sup>1</sup> Should these regimes where socialists or pro-Japanese sects flourish be unjust, national security and the diplomacy it has sustained also lack legitimacy.

President Moon sought a meeting with North Korea’s (Democratic People’s Republic of Korea, or DPRK) supreme leader, Kim Jong-Un, because Moon saw that the pro-Japanese, former

conservative rulers, intensified the confrontation with the DPRK. For the ROK President, easing tensions with the North was an important strategy to eliminate the influence of the conservatives, and therefore, he focused on having summit meetings rather than strictly following nuclear non-proliferation. This direction meets President Trump’s political preference for the first US–DPRK summit meeting in history. Both the Presidents did not hold off from politics in managing relations with North Korea. The stance of the two Presidents of the US and the ROK provided North Korea the opportunity to create agreements which would support the Kim regime in sustaining nuclear armament. Meanwhile, Kim Jong-Un also neutralized the opposition of China (People’s Republic of China or PRC) to North Korea’s nuclear development by improving the security ties between the two socialist nations. In the Korean Peninsula, President Joseph Biden inherited the politicized nuclear question and the great power politics from President Trump.

### Politicized Justice and External Policy: South Korea under President Moon

In the 1970s, US President Richard Nixon, who significantly changed the international structure of the Korean Peninsula, also altered the US Department of Justice in favor of the conservatives. His attempts reflected

conservative concerns that liberal policies since the New Deal would destroy how the US should appear. Nixon appealed to white voters in the south who shared the concern, and promoted the replacement of liberal judges with conservatives in the Supreme Court by even utilizing the administrative power of the Department of Justice. There was an argument that President Trump followed Nixon's movement which challenged the political neutrality of the justice system.<sup>2</sup>

The US experience overlaps the justice department in South Korea. Some liberals in South Korea have never fully embraced the current political system since democratization in 1987. They saw that even the democratic system did not represent how the nation should appear because the system allowed a leader of the former authoritarian system and a former Army general, Roh Tae-woo, to win the first Presidential election. Liberal judges organized an opposition movement to deny the authority of President Roh Tae-woo to appoint justices of the ROK Supreme Court. As a result of the movement, none of the Chief Justices that President Roh appointed completed the six-year term.<sup>3</sup>

President Moon appointed Kim Myeongsu as the Chief Justice, and Justice Kim was a member of the "Uri Pop Yong-hwe" (Our Law Society), which played a leading role in the movement against President Roh's Chief Justices.<sup>4</sup> Furthermore, President Moon's decision to appoint Justice Kim ignored the judges' year of entering the Judicial Research and Training Institute, which usually decides the sequence of appointing them as the Chief Justice.<sup>5</sup> The arrangement has helped narrow the range of political consideration in the appointment of Chief Justices. Like in the case of the US,

President Moon exhibited a political tendency of influencing the Supreme Court in favor of his leftist position.

According to remarks made by President Moon at the time of criticizing the nation's law enforcement agencies, his justice reform interwound with Japan's colonial rule and relations among the two Koreas. On February 15, 2019, the President expressed an intention of tightening control over prosecutors, insisting that the prosecutors and the police were "agencies that supported the coercive colonial rule of the Japanese Empire." Accordingly, he called for completely casting off "the shadow of law enforcement agencies left over from the Japanese colonial period," when the police "cracked down on independent activists."<sup>6</sup> This overlapped with his address several weeks later, on March 1<sup>st</sup>, the Independence Movement Day, where he stated that the "pro-Japanese collaborators" suppressed "independence activists" as pro-North Koreans even after the end of the colonial rule, resulting in the "ideological stigma" which intensified confrontations with North Korea.<sup>7</sup>

President Moon's attempts to eliminate "the vestiges of pro-Japanese collaborators" (Presidential address on March 1, 2019) among prosecutors advanced following the passage of the Act on the Establishment and Operation of the Corruption Investigation Office for High-Ranking Officials (ACIO) in January 2020, immediately before the spread of COVID-19. The ACIO reinforces the administration's power to control prosecutors. First, the ACIO intends to replace existing prosecutors with the Corruption Investigation Office for High-Ranking Officials (CIO) in investigating the President, Supreme Prosecutor, and National Assembly members<sup>8</sup>.

Second, as this paper later describes, under the act, the President has the chance to assign his/her favorite person as the chief of the CIO. While the ACIO makes it almost impossible for prosecutors to investigate the President, the President could allow the CIO, which he/she has a strong influence on, to investigate opposition Assembly members or the Supreme Prosecutor. Strong public support for the Moon administration based on its impressive early response to COVID-19 gave the President's party, *Deobureominjudang* or the Democratic Party, 180 of 300 seats in the Assembly, paving the way for the establishment of the CIO, in accordance with the act.

The assignment of the CIO director-general proceeds as follows. First, the recommendation committee selects two candidates for director-general by receiving support from six of the seven-member committee. This seems like a neutral way of selection. The committee includes two persons recommended by someone *other than* "the negotiating group of the political party to which the President belongs or belonged to," and therefore at least one of the two members recommended by the opposition parties has to support the candidates list for the CIO director-general. However, another two members recommended by the President's party and the Minister of Justice assigned by the President joins the committee. These three members constitute the majority in the recommendation committee (the remaining two committee members are the President of the Korean Bar Association and the Minister of the National Court Administration)<sup>9</sup>.

Even though the aforementioned system does not allow the President to solely select the CIO director-general, it expands the scope for him/her to assign a person who has a close

political view with the administration to the director-general. Probably, the Moon administration had never considered appointing someone who receives support from opposition parties in the top of the CIO, and undeniably, the Democratic Party amended the act to approve the recommendation committee to submit the list of director-general candidates which included no one proposed by the opposition to the President.<sup>10</sup>

The aforementioned reform of the judiciary could challenge international relations which the existing regime had sustained, because the reform was driven by the awareness that the political system continues to be unjust. Under Chief Justice Kim who was appointed by President Moon, the Supreme Court delivered verdicts ordering Japanese firms to compensate Korean labor during the colonial rule (October and November, 2018). The verdict was against the Treaty on Basic Relations of 1965 between Japan and the ROK which "settled completely and finally" the issue of compensation for these countries' nationals. Under the treaty, Japan supplied to the ROK US\$ 300 million in grants and extended loans of up to US\$ 200 million. Furthermore, in 2019, the Moon administration ignored Japan's formal request for diplomatic consultation within the scope of the treaty.<sup>11</sup> South Korea was inclined to prioritize political justice over existing international laws.

#### As Nuclear Non-proliferation Retreats, Political Norm Emerges

The Justice and other governmental institutions sustained their political-neutrality by following existing standards such as legislation.<sup>12</sup> For diplomatic and national security apparatus, their apolitical duty would be

something like managing threats which have been commonly concerned with allies or to seek consistency of external actions with the existing international law. However, in the summit meetings with North Korea, the US and South Korea accepted agreements which are difficult for diplomatic authorities to reach without political directives. Neither President Moon nor President Trump clearly denied North Korea's political claim against non-proliferation. Consequently, North Korea found the room to sustain its ideology which is inconsistent with the nuclear non-proliferation treaty (NPT) regime.

During the Presidential election, Mr. Biden stressed that he would never have summit meeting with Chairman Kim.<sup>1 3</sup> If it meant strict obedience to non-proliferation, the policy would challenge the priority of President Moon.

The ROK President sought to end the confrontation between the two Koreas for eliminating injustice of pro-Japanese factions, rather than letting North Korea follow the NPT regime as a non-nuclear weapon party. According to the Presidential address on March 1, 2019, which called for wiping out "the vestiges of pro-Japanese collaborators," they oppressed independence activists against Japan by labelling them as pro-North Koreans, resulting in an "ideological stigma" which divided the nation. Following these remarks, President Moon defined easing North-South tension as the agenda for completing transformation from the past oppressive regime, by rephrasing the ideological stigma into "the 38th parallel drawn through our minds."<sup>1 4</sup> The 38th parallel frequently refers to the military demarcation line (MDL) between North and South Korea, even though it does not exactly overlap with the MDL. President Moon's stance to consider easing

tension with North as justice in domestic politics is consistent with his reluctance to clearly confront North Korea's non-compliance with the NPT.

In promoting the summit meetings with North Korea, the Moon administration did not assign high priority on consistency with the NPT. National Security Office Chief Chung Eui-yong, who led a special delegation to North Korea to secure an agreement for a summit meeting, positively stressed North Korea's position that "it would have no reason to possess nuclear weapons should the safety of its regime be guaranteed and if military threats against the North were removed."<sup>1 5</sup> The stance he sold for South Koreans and the US to give the impression that North Korea had the will for returning to the NPT certainly did not include any contradiction with the North's previous position for rationalizing nuclear weaponry; North Korea would never consider denuclearization until great powers like the US, Russia, and China start dismantling their own nuclear weapons. Mr. Chung pushed for the summit meetings by optimistically explaining the questionable attitude of North Korea toward the NPT.

North Korea already published its political concept which rejected a move to accept the NPT as general international law during the time when Mr. Biden was the Vice-President in the Barack Obama administration. About a half year after President Obama delivered a speech encouraging a "nuclear-free world" in April 2009, North Korea stated that "when the states with the largest nuclear arsenals take the lead in nuclear disarmament, it will positively influence the newly emerged nuclear weapons states in various parts of the world and also contribute to the total elimination of nuclear weapons on this globe."<sup>1 6</sup>

If North Korea defines its obligation of denuclearization in accordance with the worldwide denuclearization, it is almost the same with the requirements for nuclear-weapon states under the NPT to negotiate toward general and complete disarmament.<sup>17</sup> It was almost clear that North Korea regarded itself as a nuclear-weapon state. Undoubtedly, the 2013 legislation of the DPRK states that North Korea “shall establish a mechanism and order for their safekeeping and management so that nukes and their technology, weapon-grade nuclear substance may not leak out illegally,”<sup>18</sup> like the requirement for the nuclear-weapon states under Article 1 of the NPT.

The Panmunjom Declaration of April 2018, which President Moon praised as the agreement for the complete denuclearization of the Korean Peninsula, will also be, for North Korea, a political achievement for admitting continuous nuclear weaponry. Immediately before the Declaration, on April 20, the Worker’s Party of Korea (WPK) Central Committee (CC) endorsed the above-mentioned concept which allowed the DPRK to sustain nuclear weaponry until the worldwide denuclearization. According to the WPK CC resolution, dismantling the nuclear test site is an important process moving toward global nuclear disarmament. The resolution also corroborated North Korea’s nuclear doctrine which assumed nuclear weaponry, saying that it would never use nuclear weapons “unless there are nuclear threat and nuclear provocation against the DPRK.”<sup>19</sup> The joint statement by President Trump and Chairman Kim at Singapore also explicitly followed the Panmunjom Declaration,<sup>20</sup> which reflected North Korea’s intention to reject nuclear non-proliferation.

The ROK Unification Minister Lee In-young

mentioned that, if Mr. Biden supported the “Sunshine Policy” promoted by the Kim Dae-jung administration of South Korea during the early 2000s, the new US President would also be in favor of the Moon administration’s North Korea policy. However, the North–South joint declaration that President Kim signed did not include an agreement which cast a doubt on the commitment to NPT. With respect to denuclearization, President Moon’s North Korean policy differs from President Kim’s Sunshine Policy. While the Unification Minister said that he would continue talks with North Korea at the working-level in the case that the Biden administration does not prefer a top-down approach,<sup>21</sup> working-level officials can hardly accept the agreement which is so vague in following the NPT, an existing international law, without political decision from the top. Unless President Biden decides to make political decisions like his predecessor, the Moon administration would not be able to work closely with the US compared to the time under the Trump administration.

### Improving Alignment between China–North Korea

When he was a Presidential competitor, Mr. Biden also raised the agenda of aligning with China in advancing denuclearization in the Korean Peninsula.<sup>22</sup> However, now is not the time of the six party talks, when China did not include North Korea’s nuclear question into the scope of competition with the US, leaving room for US–China cooperation. Along with the summits with South Korea and the US, North Korea’s Chairman Kim also started having meetings with PRC President Xi Jinping. During the summit, Kim let China compromise with his

claim for sustaining nuclear weaponry in exchange for providing China with the chance to weaken the United States Forces Korea (USFK) in the future.<sup>2 3</sup>

President Xi said that he “spoke highly of” North Korea’s efforts to “promote the denuclearization of the Peninsula” during his first visit to the DPRK in June 2019.<sup>2 4</sup> President Xi leaned toward the North Korean stance on denuclearization, in a turnaround from last year, when Chairman Kim made his first visit to China in March 2018. At that time, President Xi simply commented, “China sticks to the goal of denuclearization.”<sup>2 5</sup> Supporting this goal is nothing more than confirmation of the predetermined international law, a neutral position without arbitral political decision. Contrastingly, a year later, President Xi “spoke highly” of efforts made by North Korea, which revealed an inconsistent position with the nuclear non-proliferation regime.

During the successive PRC–DPRK summit meetings from 2018 to 2019, China’s position became politicized in favor of North Korea. China had probably been reluctant in this change because the nation took several steps before publishing the supportive attitude toward North Korea on the nuclear issue. Chairman Kim pushed China’s change by showing North Korea preserved the option to exclude China from talks on future peace regime, an important opportunity for the US competitor to undermine the legitimacy of the USFK.

Immediately after President Xi confirmed the politically-neutral position for supporting the existing non-proliferation regime, Kim suggested excluding China from talks “for the building of durable and lasting peace mechanism” by expressing the possibility to form a “north–

south–US tripartite” forum at the Panmunjom Declaration with South Korea.

Demonstrating the option to exclude China from talks for peace regime is an effective strategy for North Korea to push the socialist ally to accept the North’s position for nuclear development. This can be attributed to China’s increasing interest in the future of the USFK which could be limited by the China–North Korea version of peace regime. One of the high-ranking PRC officials who started advocating that a peace regime should be discussed along with Korea’s denuclearization in 2016, the then-vice Chinese Foreign Minister Liu Zhenmin directly criticized the USFK for deploying the Terminal High Altitude Area Defense (THAAD) system. Mr. Liu advocated a peace regime in the Korean Peninsula, casting doubts over the legitimacy of the US–ROK alliance by insisting that the THAAD deployment proved “The relevant bilateral military alliances are a product of a bygone era.”<sup>2 6</sup> China’s concept of peace regime in Korea largely overlaps with North Korea’s usual claim that the future peace regime should eliminate the US–ROK alliance as a “leftover.”

China’s growing interest in the USFK allowed Chairman Kim to adopt the tactic so that the DPRK accepts the PRC in peace talks of Korea in exchange for China’s support for the North’s continuous nuclear weaponry. In May 2018, a month after the Panmunjom Declaration, which clarified the option to exclude China in the peace talks, PRC President Xi expressed the position which looked more like a political stance to support the North Korean side. President Xi said, “China supports the DPRK’s adherence to the denuclearization of the peninsula,” in the presence of Chairman Kim, who visited China again.<sup>2 7</sup>

However, “the denuclearization of the peninsula,” that China expressed was not necessarily the North Korean version of denuclearization, since the remarks could mean that President Xi demanded that North Korea support the NPT regime in the peninsula. President Xi’s position was yet to satisfy Chairman Kim, and undoubtedly North Korea continuously implied that it was excluding China from talks on peace regime. Immediately before the PRC-DPRK summit in May, North Korea’s Foreign Minister met with his counterpart in China. Even though North Korea’s Foreign Minister stated at this meeting that the DPRK maintains close communications with China to realize both a “peace regime” and denuclearization, this statement was included only in the press release of the Chinese side. North Korea’s state-run media, Korea Central News Agency, never mentioned such a statement.<sup>28</sup>

The third visit by Kim in China (June 2018) gave President Xi the opportunity to take an even closer position toward North Korea, “Comrade Chairman has made positive efforts for realizing denuclearization.” In return, Chairman Kim also showed a more inclusive attitude toward China saying, “the DPRK side hopes to work with China and other concerned parties to promote the establishment of a lasting and solid peace mechanism on the Korean Peninsula.”<sup>29</sup> However, this remark was published by only the Chinese side, with the North Korean media failing to report it.<sup>30</sup> Given that President Xi highlighted Chairman Kim’s “positive efforts” after praising the 2018 US–DPRK Singapore summit immediately before Kim’s visit to China, Xi’s support at that time was likely limited to a general commendation of North Korea’s “efforts”

to reach an agreement with the US.

After these successive PRC–DPRK summit meetings, in January 2019, President Xi finally “spoke highly of the positive measures taken by the DPRK side [for promoting] the realization of denuclearization on the peninsula” regardless of agreements with the US.<sup>31</sup> This remark was made during Chairman Kim’s fourth visit to China, and the position of President Xi was almost the same as it was during his first visit to North Korea later in June, the same year. Unquestionably, prior to the visit, Kim delivered a speech where he said he promoted talks for a peace regime in close contact with “the signatories to the armistice agreement,” indirectly referring to China.<sup>32</sup>

However, Kim had yet to directly acknowledge the prospect of four-party talks, including China, via official media publication within North Korea. This is probably because President Xi’s comment addressed concrete “measures” already taken by the DPRK instead of the overarching ideology of “denuclearization,” under which North Korea would maintain its nukes until “worldwide disarmament.” Only after President Xi “spoke highly of the DPRK side’s efforts,” conveying his meaning as clearly in opposition to the NPT’s and the US’s stances on the issue, did Kim allow President Xi to circulate a statement among the people of North Korea, informing them that the president undeniably wished for North Korea to engage with China in the four-party talks. President Xi contributed an article for the *Rodong Sinmun*, an official newspaper of the WPK, stating that China will “actively contribute to regional peace, stability, development and prosperity by strengthening communication and coordination with the DPRK and relevant parties to jointly push for progress in talks and



negotiations on the issue.”<sup>33</sup> The PRC’s negative views on US presence in the Korean Peninsula increases the value of the DPRK as an ally for China, opening avenues for North Korea to allow the Chinese accept the North’s nuclear weaponry.

### South Korea’s Quest for Self-Reliance

The Biden administration could face great power competition with China even in the Korean Peninsula, considering that China is increasingly sharing interest with North Korea vis-à-vis the US–ROK alliance. Mr. Biden’s views when he was a Presidential candidate was categorically consistent with the situation. He emphasized the necessity of reinvesting in the alliances with South Korea, Australia, and Japan, following the argument that Russia “fears a strong NATO, the most effective political-military alliance in modern history.”<sup>34</sup> Despite no direct mention of China in the context of East Asian security affairs, President Biden’s views could result in the US attempting to assign the US–ROK alliance, which has focused on North Korea, to play a role in the great power competition with the PRC.

In contrast, the Moon administration likely follows the political norm that Koreans must have greater autonomy from the US and Japan. On August 15, 2019, President Moon called for creating a “new nation that cannot be shaken,” accusing Japan of “unwarranted export restrictions.” The concrete meaning of the “nation that cannot be shaken” was reinforcing self-reliance from the US-led security architecture. For building such an unshaken nation, Mr. Moon insisted that South Korea, which “is surrounded by four major powers,” should serve as “a bridge by taking the lead in

promoting peace and prosperity on the continent and out in the ocean.”<sup>35</sup> Given that the “four major powers” usually include the US and China, mediating the continental and the ocean powers effectively makes the ROK neutral in the great power competition. This is the same concept with the initiative of the former Roh Moo-hyun administration, where President Moon served as a senior official, for justifying keeping away from the US strategy towards China.<sup>36</sup>

About a month after the aforementioned speech, President Moon ordered his government to push the US to accept the revised US–ROK “Missile Guidelines,” which restricted South Korea’s development of ballistic missiles and rockets since 1979. The Moon administration worked through the agenda in July 2020. Kim Hyun-chong, Deputy National Security Adviser of the ROK Presidential office, explained the achievement by saying that the ROK was liberated from the restriction of developing solid-fuel space rockets and it also became closer to becoming a “nation that cannot be shaken.”<sup>37</sup>

In seeking autonomy from the US, the Moon administration cared for China’s complaint about US influence over South Korea’s national security. A month after the revision of the Missile Guidelines, the ROK National Defense Ministry published the Mid-term National Defense Plan, which did not include American-made SM-3 for reinforcing the nation’s missile defense. Previously, the ROK Navy had called for introducing SM-3 regardless of China’s opposition, emphasizing that “the sovereign nation’s decision should not be interfered by a neighboring power.”<sup>38</sup> The National Defense Plan declined the ROK Navy’s demand.

The ROK Navy disputed with a pro-Moon national assembly member who accused that the



SM-3 introduction could reinforce missile defense cooperation with the US, which was inconsistent with the “three no policies” for stabilizing relations with China.<sup>39</sup> During the negotiations for the first visit by President Moon to China, in 2017, the ROK side explained the “publicized positions,” in response to China’s concerns about the three points; (1) missile defense, (2) THAAD deployment, and (3) the US–ROK–Japan trilateral security cooperation.<sup>40</sup> A little later, the ROK Foreign Minister defined the “existing positions” about the three points as the three “no” policies: the ROK would not join the US missile defense system; it would not develop the US–Japan–ROK trilateral cooperation into a military alliance; and it would not make any additional deployment of the THAAD system.<sup>41</sup> China effectively deterred South Korea from crossing the three red lines by requiring the Moon administration to express the three “no” policies in exchange for accepting the Presidential visit.<sup>42</sup>

The ROK Navy called for introducing SM-3, responding to North Korea’s launch of a “Pukguksong-3” SLBM on October 2, 2019.<sup>43</sup> It launched the SLBM on a lofted trajectory which reached about 900 km, much higher than a normal trajectory.<sup>44</sup> In general, it is believed to be more challenging to intercept missiles on a lofted trajectory than a normal one because of the fall at a high depression angle.<sup>45</sup> Introducing SM-3 allows South Korea’s navy to intercept SLBM at the highest altitude, the easiest timing for shooting down. The Moon administration did not secure autonomy from China for its navy’s realism to manage the missile threat of North Korea, prioritizing self-reliance from the US.

President Moon visited the Agency for Defense Development (ADD) shortly before publishing the relaxation of the US guidelines to restrict South Korea’s missile development. He commended the ADD as the power source of “the Republic of Korea ranks 6th globally in military strength.”<sup>46</sup> The ADD effectively developed South Korea’s first indigenous ballistic missile, *Baekgom* or Nike Hercules Korea-1 (NHK-1), during the late 1970s under the authoritarian administration of President Park Chung-hee, a former army general. The missile guidelines commenced as the promise of restraint on further missile development by the then-ROK Defense Minister for the commander of the USFK in 1978.<sup>47</sup>

What President Moon clearly inherited from the former conservative ruler was the ambition for making the nation self-reliant. Either North or South Korea prefers self-reliance from the great powers which want to impose non-proliferation of arms on small powers. The “indigenous ballistic missile capable of carrying one of the world’s heaviest payloads,” President Moon emphasized during his visit to the ADD, was probably the Hyunmoo-4 ballistic missile. The previous revision of the missile guideline in 2017 allowed the ADD to experimentally launch a Hungmoo-4, which reportedly had a payload of 2t. The 2020 revision of the missile guidelines still fell short of allowing the over-800 km range. With respect to the revision of the missile guidelines, President Moon asked his officials to secure the “absolute missile sovereignty.”<sup>48</sup> This stance allowed President Biden to face South Korea’s demand for lifting the missile guidelines later.

## Conclusion

Seeking military power unrestricted by great powers is aimed at reinforcing legitimacy by realizing the image of the nation. This attempt reflects political inceptive for a party to show its capability to make the nation greater than other parties. What President Biden inherited from his

predecessor was the politicized alliance with South Korea and weakened international norms to control North Korea's nuclear ambition.

<sup>1</sup> Scott Sagan, "Why Do States Build Nuclear Weapons? Three Models in Search of a Bomb," *International Security*, Vol. 21, No.3, (Winter 1996-1997) p. 55.

<sup>2</sup> Adam Cohen, *Supreme Inequality: The Supreme Court's Fifty-Year Battle for a More Unjust America*, (New York: Penguin Press, 2020), pp.20-61 and 314.

<sup>3</sup> Han Hong-ku, *Sapopbu: Popur Chipe han Cha dure Yokusa* [The Judicial Branch: History of People Who Dominated Laws] (Paju: Dolbegae, 2016) pp.377-385; Kan Kimura, "Kankoku ni Okeru Sihoubu no Touhaseino Soushituto Kaifuku [Lost and Recovery of Partisanship in South Korea's Law Enforcement]," Yoshifumi Takaki, *Seijinoo Sihoukato Minshuka* [Judicialization of Politics and Democratization], (Tokyo: Koyoshibo, 2017), p.251.

<sup>4</sup> Han Hong-ku, *Popur Chipe han Cha dure Yokusa*, p.382.

<sup>5</sup> ROK National Assembly Office, *Legislation and Judiciary Committee Record*, 353rd extraordinary session, August 21, no.1, 2017, p.12, 36.

<sup>6</sup> ROK Presidential Office, *Moon Jae-in Taedongryong Yonsor Mun Jip* [The Speeches of President Moon Jae-in], (Seoul: Office of Presidential Secretary, 2019), vol.2, no.2, pp.224-227.

<sup>7</sup> ROK Presidential Office, *Moon Jae-in Taedongryong Yonsor Mun Jip*, vol.2, no.2, pp.256-263.

<sup>8</sup> Act on the Establishment and Operation of the Corruption Investigation Office for High-Ranking Officials, Act No. 16863, Enactment January 14, 2020, Enforcement July 15, 2020, Article 2.

<sup>9</sup> Act on the Establishment and Operation of the Corruption Investigation Office for High-Ranking Officials, Article 6.

<sup>10</sup> ROK National Assembly Office, *Legislation and Judiciary Committee Record*, 383rd regular session, August 21, no.3, 2020, p.27. Democratic Party [ROK], "Jae 5cha Kookjong Kamsa Modu Paron [The Opening Statement at the 5th Audit Session]," October 20, 2020, "Jae 23cha Chego Uiwonhwe Modu Paron [The Opening Statement at the 23rd Supreme Committee]," October 26, 2020.

<sup>11</sup> Japan Ministry of Foreign Affairs, "Background and Position of the Government of Japan Concerning the issue of former civilian workers from the Korean Peninsula," <https://www.mofa.go.jp/mofaj/files/000499948.pdf>.

<sup>12</sup> The definition of political neutrality is based on the following. Carl Friedrich, "Responsible Government Service under the American Constitution," Commission of

Inquiry on Public Service Personnel, *Problems of the American Public Service: Five Monographs on Specific Aspects of Personnel Administration* (New York: McGraw-Hill, 1935).

<sup>13</sup> "Debate transcript: Trump, Biden final presidential debate moderated by Kristen Welker," *USA Today*, Oct 23, 2020.

<sup>14</sup> ROK Presidential Office, *Moon Jae-in Taedongryong Yonsor Mun Jip*, vol.2, no.2, , pp.256-263.

<sup>15</sup> ROK Presidential Office, "South, North Korea agree to hold 3rd summit in April," March 6, 2018.

<sup>16</sup> "DPRK's Efforts for Peace in Korean Peninsula Reiterated," *KCNA*, October 18, 2009.

<sup>17</sup> The Treaty on the Non-Proliferation of Nuclear Weapons, Article 6.

<sup>18</sup> "Law on Consolidating Position of Nuclear Weapons State Adopted," *KCNA*, April 1, 2013.

<sup>19</sup> "Choson Rodong Dang Joongang-wiwonhwe jejilgi jesamcha Jeon-wiwonhwe Jinheng, Choson Rodong Dang Uiwonjang Kim Jong-Un Donji keseo Byeongjinroson ui Widaehan Songrieul Geungjinop-i Seon-eon hasigo Dangw ui Saeloun Jeonlyagjeog Loseon-eul Jesihasiyeosda [Third Plenary Meeting of Seventh C.C., WPK Held in Presence of Comrade Kim Jong Un. He Declared Proclaiming Great Victory of the Line of Simultaneous Development of Economic Construction and Building of Nuclear Force, Exhibiting the New Strategic Direction]," *Rodong Sinmun*, April 21, 2018.

<sup>20</sup> *Joint Statement of President Donald J. Trump of the United States of America and Chairman Kim Jong Un of the Democratic People's Republic of Korea at the Singapore Summit*, June 12, 2018, Sec.3. This article's argument about the Panmunjom Declaration and the U.S.-North Korea summit meeting partially overlaps with the following. National Institute for Defense Studies, *East Asian Strategic Review 2019*, (Tokyo: NIDS, 2019) pp.75-86.

<sup>21</sup> ROK National Assembly, *the Special Committee on Budget and Accounts Record*, 382nd session (regular session), December 11, 2020, 15.

<sup>22</sup> Joseph Biden, "Why America Must Lead Again: Rescuing U.S. Foreign Policy After Trump," *Foreign Affairs*, Vol. 99, No.2, March, 2020.

<sup>23</sup> This section is the revised version of the followings. National Institute for Defense Studies, *East Asian Strategic Review 2020*, (Tokyo: NIDS, 2020) pp. 72-77; Takeshi

Watanabe, "China and North Korea Strengthen Bilateral Alignment via Shared Concept of "Denuclearization" *NIDS Commentary*, no. 100, August 6, 2019.

<sup>2 4</sup> People's Republic of China Foreign Ministry, "Xi Jinping Dao Tong Chaoxian Laodongdang Weiyuanzhang Weiyuanzhang Guowuweiyuan Weiyuanzhang Jin Zhengen Juxing Huiwu [Xi Jinping hold talks with Kim Jong Un, Chairman of the Workers' Party of Korea and Chairman of the State Affairs Commission]," June 20, 2019.

<sup>2 5</sup> "Xi Jinping Dao Tong Jin Zhengen Juxing Huiwu [Xi Jinping hold talks with Kim Jong Un]" *Xinhua*, March 28, 2018.

<sup>2 6</sup> People's Republic of China Foreign Ministry, "Remarks by Vice Foreign Minister Liu Zhenmin At the Opening Ceremony of the International Seminar on "Security Framework and Major-Power Relations In the Asia-Pacific Region,"" July 12, 2016

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## Profile

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