

The North Korean Nuclear Dilemma and the Six-Party Talks: A South Korean Perspective

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Abstract

This paper presents a South Korean perspective on the North Korean nuclear problem and the six-party talks process. The major arguments are (1) North Korea cannot be regarded as a full-fledged nuclear weapons state; (2) Since North Korea's actual possession of nuclear weapons poses serious security threats at the peninsular, regional, and global level, it should not be tolerated; (3) The primary emphasis should be given to the peaceful and diplomatic resolution as military options and hostile neglect framed around isolation, containment could be risky and costly; (4) In this regard, the six-party talks formula seems most ideal; (5) In order to accelerate the process of denuclearization, the North Korean nuclear issue needs to be placed in a larger framework of a peace regime on the peninsula and a multilateral security cooperation regime in Northeast Asia; (6) The ultimate, verifiable, and irreversible dismantling of nuclear weapons could take much longer, often entailing confrontation, crisis, and stalemate. Thus, parties concerned need to prepare for unexpected contingencies.

Introduction

More than five years has elapsed since the second North Korean nuclear crisis erupted in October 2002. The crisis was triggered by North Korea's alleged admission of a highly enriched uranium (HEU) program in October 2002 and escalated with the subsequent tit-for-tat between North Korea and the United States. A major breakthrough came during the fourth round of the six-party talks, held in Beijing in September 2005, at which the September 19 Joint Statement was adopted.

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Nevertheless, negotiations over the North Korean nuclear problem have stalled once again as the North refused to participate in the six-party talks in protest of the freeze of its bank accounts in Macau, a result of U.S. accusations of North Korea's alleged involvement in counterfeit currency and money laundering. The situation worsened when North Korea methodically test-launched its missiles and undertook underground nuclear testing in 2006. After more than a year of stalemate, confrontation and crisis, the 3rd session of the 5th round of the six-party talks, held this year in Beijing from February 8-13, reversed the trend by producing an agreement on "Initial Actions for the Implementation of the Joint Statement" on February 13.

North Korea has so far shown a very cooperative attitude in complying with the February 13 agreement. It implemented the first phase obligations of shutting down and sealing its nuclear facilities in Yongbyon, and has pledged to disable fuel fabrication plant, 5 MW nuclear reactor, and chemical reprocessing facilities as well as to declare all nuclear materials, as part of the second phase compliance with the agreement. The United States has reciprocated the North by suggesting a possibility of removing the North from terrorist sponsoring state list and improving diplomatic relations. Both North and South Korea took advantage of the new situation by holding the 2nd Korean summit in Pyongyang during October 2-4, 2007.

As of April 2008, North Korea has not yet fully complied with the second phase of the February 13 agreement over the issue of whether to include its Syrian connection (i.e., transfer of nuclear technology to Syria) in the declaration. Negotiation is still under way, and a long road seems lying ahead in resolving the North Korean nuclear problem completely in a peaceful and diplomatic way. Against this backdrop, the article presents a South Korean perspective on the North Korean nuclear issue. The first section examines a South Korean view of the nature of a nuclear North Korea with regards to its capabilities, intentions, and impacts. The second explores why South Korea prefers the negotiated settlement of the North Korean nuclear problem through the six-party talks process, rather than such hard-line policies as military options and hostile neglect strategy. Finally, the article looks into dynamic relations between the six-party talks process and inter-Korean relations, including the 2nd Korean summit.

Understanding the North Korean Nuclear Problem

Is North Korea a Full-fledged Nuclear Weapons State?

I visited Pyongyang during May 14-18, 2007. During my visit, I was intrigued by remarks made by a senior Korea Workers' Party official: "Chairman Kim Jong Il has set the construction of *gangsung daeguk* (a strong and prosperous great nation) as the ultimate national goal. With the successful undertaking of an underground nuclear testing in October last year, we have achieved a strong nation. Now is the time to make every effort to make our nation prosperous. When we achieve prosperity, then we can truly become a great nation."¹

Can this claim be accepted? My answer is 'no.' In order for a country to become a nuclear weapons state, the country should satisfy four pre-conditions: possession of nuclear warheads, acquisition of delivery capabilities, nuclear testing and miniaturization technology. North Korea has satisfied two pre-conditions, namely possession of nuclear warheads and delivery capabilities, but it is believed that other two pre-conditions have not been met. Thus, while North Korea should be seen as a dangerous country with enormous nuclear weapons capability, it is not yet a full-fledged nuclear weapons state *per se*.²

Since the second nuclear standoff in 2003, North Korea is known to have reprocessed not only 8,060 spent fuel rods stored in a water pond, but also additional spent fuel rods obtained from reactivation of its 5 MW reactor in Yongbyon. Estimates on North Korea's plutonium (PU) bombs vary according to different analysts, but it is estimated that the reprocessing of the 8,060 spent fuel rods stored in a cooling pond and reactivation of the 5 MW reactor have had yielded 44-52 kg PU and subsequently 5-6 PU nuclear warheads.³

¹ This view was later expressed in *Nodong Shinmun*, a daily newspaper of the Korea Workers Party: "*Kangsungdaeguk*, this is not a matter of a distant future. We now have single-minded unity and strong military power. We will become a *Kangsundaeguk* if we revitalize our economy." *Nodong Shinmun*, November 27, 2007.

² See Institute of International and Strategic Studies (IISS), *North Korea's Weapons Programme: A Net Assessment* (London: IISS, 2004), pp. 63-84; Jon B. Wolfsthal, "Estimates of North Korea's Unchecked Nuclear Weapons Production Potential," Carnegie Endowment for International Peace. <http://www.ceip.org/files/projects/npp/pdf/IBW/nknuclearweaponproductionpotential.pdf> (accessed Nov. 2, 2003).

³ David Albright, "North Korean Plutonium Production," *Science & Global Security*, 5 (1994), p.78; Monterey Institute's Center for Nonproliferation Studies, "North Korean Nuclear Capabilities," www.nti.org/db/profiles/dprk/msl/msl_overview.html (accessed Nov. 2, 2003); *Yonhap News*, January 2, 2006; "Dialogue between Dr. Hecker and Prof. Chung-in Moon on North Korean Nuclear," *Sunday Joonggang*, September 9, 2007 (in Korean).

Some have projected that North Korea would be capable of producing 75 kg of highly enriched uranium (HEU) per annum starting in 2005, which would be sufficient to manufacture three HEU weapons every year.⁴ Despite wild speculations on North Korea's HEU-related programs, however, no hard evidence on acquisitions have yet been presented. It is generally believed that North Korea could have acquired some parts and components of a HEU program such as gas centrifuges and high strength/quality aluminum tubes, but it is short of establishing a complete HEU program and producing actual bombs.⁵ Additionally, previous intelligence estimates on North Korea's HEU program by the Bush administration have been subject to increasing criticism.⁶ Thus, it is highly unlikely that North Korea possesses actual HEU programs and bombs. Nevertheless, North Korea has at the very least acquired plutonium bombs, satisfying the first precondition of possession of nuclear warheads.

While possession of nuclear warheads is one hurdle overcome, the capability to deliver them is an altogether separate issue. However, North Korea is also known to have credible delivery capability. It currently possesses several types of missiles: SCUD B (range 320 km, payload 1,000 kg), SCUD C (range 500 km, payload 770), and Nodong (range 1,350-1,500 km, payload 770-1,200 kg).⁷ But the test-launching of both a Daepodong-I missile (range 1,500-2,500 km, payload 1,000-1,500 kg) on August 31, 1998 and a Daepodong-II missile (range 3,500-6,000 km, payload 700-1,000 kg) on July 6, 2006 is believed to have failed. Thus, the North may still be over a decade away from developing full-scale inter-continental ballistic missiles.⁸ In view of this, although North Korea has not yet developed long-range missiles capable of threatening the mainland United States, it would be able to incur considerable damage to South Korea and Japan through its short- and medium-range missiles.

Departing from its usual opacity, the North Korean government announced that it

⁴ Wolfsthal, "Estimates of North Korea's Unchecked Nuclear Weapons Production Potential"; Fred McGoldrick, "The North Korea Uranium Enrichment Program: A Freeze and Beyond," working papers of the Nautilus Institute for Security and Sustainability, no.38, June 2003.

⁵ See David Albright, "North Korea's Alleged Large-Scale Enrichment Plant: Yet Another Questionable Extrapolation Based on Aluminum Tubes," *The ISIS Report*, February 23, 2007. <http://www.isis-online.org/publications/DPRK/DPRKenrichment22Feb.pdf>; See also "Dialogue between Hecker and Moon."

⁶ See Dong-young Yoon, "Call for Re-examination on Intelligence Estimates on North Korea's HEU Program," *Yonhap News*, February 25, 2007 (in Korean).

⁷ See IISS, *North Korea's Weapons Programmes*, pp.63-84.

⁸ Robert S. Norris, Hans M. Kristensen, and Joshua Handler, "North Korea's Nuclear Program," *Bulletin of the Atomic Scientists* 59:2 (March/April 2003), pp.76-77; David Albright, "Assessment of the North Korean Missile Threat," The Nautilus Institute, <http://www.nautilus.org/fora/security/0320A-%20Wright.html> (accessed Nov. 2, 2003).

had successfully undertaken underground nuclear testing on October 9, 2006. Despite North Korea's claim, most international nuclear experts believe that its nuclear testing failed because the explosive yield measured from the seismic analysis is estimated to be 0.5-0.8 kilotons. Given that the lowest explosive yield in recent years was 19 kilotons, which came from the Pakistani nuclear testing, and that the nuclear bomb that destroyed Hiroshima on August 6, 1945 was roughly 15 kilotons, a sub-kiloton yield cannot be considered successful. Jungmin Kang and Peter Hayes, leading observers of the North Korean nuclear issue, make the following evaluation: "The DPRK might believe that a half kiloton 'mini-nuke' still provides it with a measure of nuclear deterrence and compellence; but it could not rely on other nuclear weapons states to perceive it to have anything more than an unusable, unreliable, and relatively small nuclear explosive device."⁹ Thus, North Korea's claim of a successful nuclear testing needs to be scrutinized.¹⁰

Notwithstanding North Korea's possession of nuclear warheads, its limited delivery capability, and contested claims of nuclear testing as necessary pre-conditions to becoming a nuclear state, miniaturization technology is still a significant obstacle. It must demonstrate the capability to miniaturize nuclear warheads and mount them on Nodong and/or SCUD missiles for effective use. However, most intelligence analyses indicate that North Korea is far short of developing such technology. In view of the above, North Korea does not deserve being treated as a nuclear weapons state. Although such a treatment might provoke North Korea's erratic behavior, it can deter North Korea from abusing and misusing its nuclear bargaining leverage.

Will North Korea Give Up Its Nuclear Ambition?

Pessimism looms over the future of North Korea's nuclear ambition, as a great number of people express a sigh of resignation that North Korea will never give up its nuclear weapons. We cannot overcome the North Korean nuclear dilemma with such a pessimistic attitude. We should prepare for the worst case scenario, but work under the assumption that North Korea will give up its nuclear ambition. When and if the

⁹ Jungmin Kang and Peter Hayes, "Technical Analysis of the DPRK Nuclear Test," Nautilus Institute, www.nautilus.org/fora/security/0689HayesKang.html, October 20, 2006, p.1. Also see, IISS, "North Korea's Nuclear Test: Continuing Reverberations," *IISS Strategic Comments*, Vol. 12, No.8 (October 8, 2006).

¹⁰ Sung-taek Shin, a leading South Korean observer of North Korean nuclear issue, flatly dismisses the underground nuclear testing as an outright failure. See "Sung-taek Shin, "North Korea's Nuclear Testing Failed," *Monthly Shin Donga* (December 2006, a special appendix on "South Korea's Nuclear Sovereignty"), pp.94-99 (in Korean).

root concerns that have driven the North to the nuclear path are properly addressed, we might be able to find the final solution to the North Korean nuclear problem.

What then are those concerns? How does the North justify its nuclear ambition? North Korea's official rationale is based on the logic of nuclear deterrence. For the North Korean leadership and even its ordinary citizens, the fear of an American nuclear attack is not contrived, but real. They believe that the United States has plans to stage nuclear attacks on the North, and the only way to deter them is to arm itself with nuclear weapons for second strike capability. North Korea's logic of nuclear deterrence has been further crystallized as a result of American actions since September 11. President Bush's labeling of North Korea as part of an axis of evil and a rogue nation reaffirmed North Korea's threat perception. In addition, U.S. adoption of the preemption doctrine, its announcement of the Nuclear Posture Review that would allow the use of tactical nuclear weapons and the invasion of Iraq appear to have led North Korean policy-makers to rely on nuclear weapons as a deterrent force. So key is to reassure NK that the U.S. does not plan to attack.

There is another dimension to the logic of deterrence, which is to balance the military equilibrium on the Korean peninsula through the acquisition of asymmetric military capabilities. Though North Korea maintained military superiority over South Korea through the 1970s, the inter-Korean military balance began to shift in favor of the South beginning in the 1980s. Whereas the North's military followed a more labor-intensive force structure, South Korea was able to surpass the North by combining its enhanced defense industrial production with the acquisition of advanced foreign weaponry. The widening gap in conventional forces between the North and the South was an inevitable outcome of the rapidly growing disparity in economic and technological capabilities. While the South has emerged as the 11th largest economy in the world, greatly facilitating its defense build-up, the North's continued poor economic performance is reflected in its slower military build-up. In 2004, South Korea's economic size was 30 times larger than that of North Korea, and North Korea's defense spending in the same year is reported to have been \$5.5 billion, accounting for 25 percent of its GDP, but was still only one third the amount of South Korea's spending (\$14.6 billion).¹¹ North Korea's attempt to possess nuclear weapons can be interpreted as a calculated move to make up for its weakness in conventional forces by pushing for a non-conventional, asymmetric force build-up via weapons of

¹¹ IISS, *Military Balance 2004-2005* (London: IISS, 2005).

mass destruction and missiles.¹² This provides a less expensive path of offsetting the growing gap in conventional forces.

North Korea's nuclear venture also seems to be closely associated with the domestic politics of legitimacy- and coalition-building.¹³ Chairman Kim's legitimacy stems from his succession of political leadership from his father Kim Il-sung, as well as from his role as the guardian of North Korea and its people from the American military threat. Since his political ascension in 1994, Kim Jong Il has championed the slogan of '*gangsung daeguk* (a strong and prosperous great nation)' as its governing ideology. That strong and prosperous great nation is to be attained through '*sungun jungchi* (military first politics),' which gives the military the preeminent position in North Korean politics.¹⁴ Ahn Kyung-ho, a senior member of the Korea Worker's Party, made this point clear to me by stating, "Why are we pursuing 'military first politics?'" "Because American military threats are real and present. If the military cannot defend the motherland from American threats, there will be neither motherland nor the Korea Workers' Party. That is why we consider the military the most important, even transcending the party."¹⁵ Given these considerations, the nuclear ambition appears to satisfy several domestic political purposes. It not only enhances Kim Jong Il political legitimacy by materializing the vision of a strong and prosperous great nation, but also serves as a vehicle for consolidating his political power through the co-optation of the military. With the added benefit of enhancing its international status and prestige by joining the elite group of nuclear states, the possession of nuclear weapons can strengthen Kim's domestic rule.

Finally, North Korea appears to regard nuclear weapons as a valuable economic asset for two reasons. One is as bargaining leverage for economic gains and the other is as a tool for export earnings. As the 1994 Geneva Agreed Framework demonstrated, the North was able to win lucrative economic and energy concessions such as two light water nuclear reactors, a supply of heavy oil and other forms of economic assistance

¹² Taik-young Hahm, "Nambukhan Gunbi Gyongjaengui Ihae (Understanding North-South Korean Arms Race)," in Seung-ryol Kim and Jubaek Shin (eds.), *Bundaui Dueolgul (Two Faces of Division)* (Seoul: Yoksa Bipyong, 2005), pp.106-107.

¹³ Mun-hyung Huh, "Bukhanui Haekgaibal Gyochoick Injunggwa Hyanghu Jungchaek Junmang (North Korea's Admission of Nuclear Development Plan and Prospects of Future Policy)," in Jung-bok Lee (ed.), *Bukhaek Munjeui Haebopgwa Junmang (Solution and Prospects of the North Korean Nuclear Problem)* (Seoul: Jungang M & B, 2003), pp.157-206.

¹⁴ Chung-in Moon and Hideshi Takesada, "North Korea: Institutionalized Military Intervention," in Muthiah Alagappa (ed.), *Coercion and Governance* (Stanford: Stanford Univ. Press, 2001), pp.257-282.

¹⁵ Conversation with Ahn Kyung-ho, Secretary General of the Committee for Peaceful Unification of Motherland, March 28, 2004, Pyongyang.

in return for freezing its nuclear activities and returning to the NPT. Although such concessions did not fully materialize, Pyongyang learned that the nuclear weapons card can be utilized as a powerful bargaining leverage in obtaining economic and energy gains. In addition, it should not be ruled out that the North may consider using nuclear weapons and related materials as a way of generating desperately needed hard currency. The latter possibility appears highly unlikely because of the hostile international environment against proliferators of weapons of mass destruction. Nevertheless, its past track record on the export of missiles and other military weapons shows that Pyongyang is capable of and willing to transfer nuclear materials for export earnings.

Judged on the nature of root-causes of North Korea's nuclear ambition, it may not be easy to resolve them. However, removing American hostile intent and policy on North Korea through improved Pyongyang-Washington ties, undertaking inter-Korean military confidence-building measures and arms reduction, and addressing North Korean leadership's fear of regime insecurity through recognition, exchanges, and cooperation can certainly help the North give up its nuclear ambition.

Thinking the Unthinkable: the North Korean Nuke and Nuclear Domino

Some people in South Korea have a tendency to romanticize about North Korean nuclear weapons. They argue that if the North possesses nuclear weapons, those weapons will be 'our weapons' after Korean unification. What is problematic with their reasoning is that they are underestimating the associated security risks for the Korean peninsula, Northeast Asia and the world. Moreover, a nuclear North Korea will make Korean unification very unlikely.

The implications for peninsular security are quite grave.¹⁶ A nuclear North Korea is not compatible with the ideal of peace-building on the Korean peninsula because it would not only pose formidable non-conventional threats to the South, but also fundamentally alter the inter-Korean military balance and tempt the North to continue deliberation of its old strategy of communizing the South. Under these circumstances, peaceful coexistence between the two Koreas is highly unlikely, and conventional and non-conventional arms races between the two will intensify. Equally worrisome are the negative consequences of crisis escalation. If the North Korean nuclear problem

¹⁶ Bruce Bennett, "Avoiding the Peacetime Dangers of North Korean Nuclear Weapons," *IFANS Review* 13: 2 (December 2005), pp.30-37.

cannot be resolved through peaceful means, use of coercive measures including military options might become unavoidable. Such developments would incur massive collateral damage to the South. Given the military force structure along the DMZ and the massive deployment of non-asymmetric forces such as missiles, any preemptive North Korean military provocation or allied forces' military action and subsequent North Korean counter-attacks on the South will certainly escalate into a major military conflict on the Korean peninsula. Estimates of war casualties would exceed half a million at the initial stage of a full-scale war, as presented by William Perry and Ashton Carter.¹⁷ If the North attacks South Korea with its nuclear weapons, the collateral damage would be much higher since most military facilities, including American military bases, are located in urban areas.¹⁸

What could be even more troublesome is that since North Korea's possession of nuclear weapons is bound to nullify the Declaration on the Denuclearization of the Korean Peninsula, South Korea might also venture into the nuclear arms race. According to a recent survey in South Korea, 66.5 percent of respondents advocated that South Korea should also possess nuclear weapons to counter the North.¹⁹ North Korea's nuclear venture can easily precipitate a nuclear arms race with the South that bears nightmarish implications for regional security. Facing new threats from North Korea, Japan may well justify a move into becoming a nuclear power.²⁰ Japan has the financial and technological capability, and has already amassed a stock of 40.6 metric tons of plutonium.²¹ Its transformation into a nuclear power would simply be a matter of time. Taiwan could join the nuclear camp too, which would in turn foster China's nuclear build-up. The nuclear domino effect, set off by North Korea's nuclear ambition, can trap the entire Northeast Asian region into a perpetual security dilemma far worse than that of the late 19th century.

Finally, a nuclear North Korea can also threaten global security. The North is

¹⁷ Ashton Carter and Williams Perry, *Preventive Defense: A New Security Strategy for America* (Washington, D.C.: Brookings Institution Press, 1999), ch.4. Also see Michael Schuman, "Peace and War," *Time* (March 3, 2003), p.38.

¹⁸ Bennett, "Avoiding the Peacetime Dangers of North Korean Nuclear Weapons," pp.32-34.

¹⁹ *The JoongAng Ilbo*, October 14, 2005. Some in the South suggest that since North Korea violated the 1992 joint declaration on the denuclearization of the Korean peninsula, South Korea should seek ways to enrich uranium and to recycle spent fuel. See Chang-kuk Yang, "Since the denuclearization declaration has become nullified, South Korea should challenge uranium enrichment in order to secure nuclear fuel," in *Shin Donga* (December 2007 special appendix), pp.154-163 (in Korean).

²⁰ Former Prime Minister Nakasone Yasuhiro claims that Japan should deliberate on having nuclear weapons for defensive purpose. *Yonhap News*, January 7, 2004.

²¹ *Ohmynews*, February 3, 2006.

reportedly able to produce small nuclear bombs which are hard to detect and easy to sell to others. Given North Korea's past behavior, which includes the transfer of missiles and components, as well as the smuggling of drugs, counterfeit currencies and tobacco and alcohol, there is a growing concern regarding the transfer of nuclear materials, especially plutonium, to global terrorists and rogue states. As September 11 clearly demonstrated, world-wide proliferation of nuclear materials can endanger not only the U.S. and Europe, but also the entire world. In addition, failure to block the advent of a nuclear North Korea can critically damage the existing Non-proliferation Treaty (NPT) regime by tempting other states such as Iran to follow a similar suit.

Thus, romanticizing about North Korea's nuclear weapons seems suicidal and misguided. Even before the unlikely scenario in which North Korea's nuclear weapons become 'ours,' the Korean peninsula may well fall into a war trap, with its peace and prosperity critically threatened on all sides.

The North Korean Nuclear Dilemma and Six-Party Talks

As discussed in the above, the North Korean nuclear issue poses a serious security threat to the Korean peninsula, Northeast Asia, and the world. How to manage the nuclear dilemma? Several hard-line options such as surgical strike and hostile neglect strategy have been proposed. But I argue that these hard-line options would not work and that negotiated settlement in a peaceful and diplomatic manner is the only viable management strategy.

Temptation of Hard-line Options

Immediately after the outbreak of the second North Korean nuclear crisis, it was known that defense planners were deliberating on military action on North Korea's nuclear facilities. But I am quite doubtful whether the U.S. can achieve its political and military objectives through military action. A surgical strike on the Yongbyon nuclear facilities cannot satisfy the American goal of completely destroying North Korea's nuclear capabilities. Surgical strikes over the Yongbyon nuclear facilities might allow the U.S. to achieve a very limited goal, but would result in the devastating consequences of major conflict escalation. A preemptive all-out attack seems questionable too because the North Korean military can incur formidable damages to South Korea. South Korea and China have opposed U.S. military options on North Korea for these reasons, and it would be inconceivable for the U.S. to undertake

unilateral military action on the North.

As the military option turned out to be less attractive, some have advocated a strategy of hostile neglect based on isolation and containment of North Korea and eventual transformation of the Kim Jong Il regime.²² Nevertheless, this approach also seems flawed. Such a move would worsen rather than improve the current nuclear standoff, leaving the North with fewer and fewer alternatives to actions that would eventually escalate into a major conflict on the Korean peninsula. Moreover, the option seems to rely on faulty assumptions regarding the effectiveness of isolation and containment. Such actions would only solidify Kim's power base, strengthen the strategic position of the military in North Korea and extend his regime survival at the cost of added hardship to its populace. This is all the more so because of the intense and widespread anti-American sentiment in North Korean society that have resulted from both its people's long lasting memory of American air raids during the Korean War and the ruling regime's systematic indoctrination.²³ Equally important is that it would be less likely for China and South Korea to join the United States in pursuing the strategy of isolation, containment, and transformation without justifiable causes.

The Six-Party Talks Process Is The Only Viable Option!

In my opinion, negotiated settlement through peaceful and diplomatic means and the gradual change of North Korea through engagement are the only viable options.²⁴ Judged on North Korea's behavior, the issue of greatest urgency is to freeze and disable its nuclear, especially PU related activities as well as to ensure transparency and control over its nuclear materials and devices. Verifiable and irreversible dismantling can come later. Time is on nobody's side. The failure to freeze activities and a prolonged stalemate could permit the North to become a full-fledged nuclear weapons state, making peaceful resolution exponentially more difficult. Negotiation seems the best way to ensure the immediate freeze of North Korea's nuclear activities

²² Nicholas Eberstadt, *The End of North Korea* (Washington, D.C.: American Enterprise Institute, 1999); Henry Sokolski, "Let's Not Do It Again," *National Review Online*, October 24, 2002, www.nationalreview.com/comment; Victor Cha, "Isolation, Not Engagement," *New York Times*, December 29, 2002, D9; Henry S. Rowen, "Kim Jong Il Must Go," *Policy Review* (October & November 2003), pp.15-16.

²³ For a critical view of the regime change option in North Korea, see Robert S. Litwak, *Regime Change: U.S. Strategy through the Prism of 9/11* (Washington, D.C.: Woodrow Wilson International Center, 2007), pp.245-291.

²⁴ See Jung-Hoon Lee and Chung-in Moon, "The North Korean Nuclear Crisis Revisited: The Case for a Negotiated Settlement," *Security Dialogue* 34:2 (June 2003), pp.135-151.

and the disablement of its nuclear programs

Moreover, the negotiation and engagement options are also the most desirable and feasible. Military options are too costly in all respects, whereas transformation through hostile neglect has the very probable risk that North Korea will become an outright nuclear armed state before progress is made, as well as the fact that the aggressive posture can quickly escalate into military action. Thus, policy efforts should first be committed to negotiated settlement, and only in the event of its failure should other hard line options be explored. Active engagement with the North in tandem with the negotiated settlement should be designed to facilitate opening, reform, and gradual changes in North Korea. Engagement will entail trust, the most indispensable element for dialogue and negotiation. Given that the current standoff resulted from mutual distrust (i.e., the American accusation of North Korea as a violator of the Agreed Framework and North Korea's fear of an American attack reminiscent of recent developments in Iraq), trust-building should be the first step, which engagement will immediately facilitate. Trust-building cannot be enhanced without mutual recognition of identity.²⁵ No matter how distrustful it might be, North Korea needs to be treated as a legitimate counterpart for negotiation, and its sovereign identity should be recognized. If the United States fails to recognize and respect North Korea, while negotiating with it, the North is bound to show a reciprocal behavior. Recognition, positive reinforcement, and exchanges and cooperation through a process of engagement can foster major domestic political and economic changes, making the North a constructive member of the international community.

South Korea originally opposed the idea of multilateral talks on the North Korean nuclear issue, even including the six-party talks. Upon its inauguration, the Roh Moo-hyun government strongly urged the United States to have direct bilateral talks with North Korea. But the U.S. refused to accept Seoul's proposal by arguing that North Korea does not deserve direct bilateral talks because of its track record of cheating, blackmail, and brinkmanship. The U.S. was even reluctant to agree with the six-party talks. But as China-mediated three-party talk in April 2003 failed, Washington decided to join the six-party talks under the heavy pressures of China and South Korea.

The six-party talks process, which started in August 2003, has shown a roller-coast pattern, as ups and downs as well as stop-and-go have characterized its overall

²⁵ J.J. Suh, "Producing Security Dilemma out of Uncertainty: The North Korean Nuclear Crisis," (November 2006, mimeo).

process.²⁶ But two documents adopted by the six-party talks, namely the September 19 joint statement and the February 13 agreement, are critical in resolving the North Korean nuclear problem in a peaceful and diplomatic manner. The joint statement presents a promising step toward the peaceful resolution of the North Korean nuclear problem.²⁷ According to it, North Korea committed to abandoning all nuclear weapons and existing nuclear programs, as well as to returning to the NPT and IAEA safeguards. American affirmation of non-hostile intent, mutual respect of sovereignty, peaceful coexistence and eventual normalization was also refreshing and tremendously encouraging to the overall process. In particular, American commitment to refrain from attacking or invading North Korea with nuclear or conventional weapons reduces the risk of catastrophic military conflict on the Korean peninsula.

The five countries also assured that they are willing to help rebuild the failing North Korean economy by engaging in bilateral and multilateral economic cooperation with North Korea in the fields of energy, trade and investment. Such willingness sent an auspicious signal to a North Korea burdened by extreme economic hardship. The agreement produced two other positive peace dividends. One is the agreement to negotiate a permanent peace regime on the Korean peninsula, and the other is that the six parties have committed to make joint efforts for lasting peace and stability in Northeast Asia by agreeing to explore ways and means to promote multilateral security cooperation. Both are vital to shaping a new peace and security architecture on the Korean peninsula and in the region.

The agreement underscored the triumph of innovative diplomacy where everyone is a winner: security assurance as well as economic and energy assistance for North Korea, abandonment of North Korea's nuclear weapons and programs for the U.S., and diplomatic success for China. South Korea was perhaps the greatest beneficiary of all, as the joint statement addressed most of the issues on its long-cherished wish list: a non-nuclear North Korea, no military action by the U.S., resuscitation of the 1992 Joint Declaration of the Denuclearization of the Korean Peninsula and multilateral security cooperation in the region. Japan and Russia must also have shared in the overall satisfaction.

The February 13 Agreement on 'Initial actions for the Implementation of the

²⁶ For an excellent and detailed chronicle of the 2nd North Korean nuclear crisis and six-party talks, see Yoichi Funabashi, *The Peninsula Question* (Washington, D.C.: The Brookings Institution Press, 2007).

²⁷ See Chung-in Moon, "After Beijing Breakthrough, What Next?" *Korea Times*, September 23, 2005; Joseph Kahn, "North Korea Signs Nuclear Accord," *International Herald Tribune*, September 20, 2005.

Joint Statement' is also significant.²⁸ According to the agreement, North Korea pledged to "shut down and seal for the purpose of eventual abandonment the Yongbyon nuclear facility, including the reprocessing facility," and "invite back IAEA personnel to conduct all necessary monitoring and verifications." The North has also agreed to come up with "a list of all its nuclear programs as described in the Joint Statement, including plutonium extracted from used fuel rods." In return for these initial actions, the United States has agreed to start bilateral talks with North Korea aimed at "resolving pending bilateral issues" (i.e., removing North Korea from the list of state-sponsors of terrorism and the termination of its application of the Trading with the Enemy Act on North Korea in the U.N.) and "moving toward full diplomatic relations." Japan agreed to resume bilateral talks aimed at taking steps to normalize its relations with the North, and five countries (U.S., China, South Korea, Japan, and Russia) committed to making an initial shipment of 50,000 tons of heavy fuel oil (HFO) to the North within the next 60 days, contingent upon North Korea's implementation of its initial pledges.

The six parties also established five working groups (denuclearization of the Korean Peninsula, DPRK-U.S. normalization, DPRK-Japan normalization, economy and energy cooperation, and Northeast Asia Peace and Security Mechanism) in order to carry out the initial actions and for the purpose of full implementation of the Joint Statement. If North Korea makes a complete declaration of all nuclear programs and disablement of all existing nuclear facilities, including graphite-moderated reactors and reprocessing plants, then economic, energy and humanitarian assistance up to the equivalent of 1 million tons of HFO, including the initial shipment of 50,000 tons, would be provided to North Korea. It seems quite innovative to include in the agreement a provision that "once the initial actions are implemented, the six parties will promptly hold a ministerial meeting to confirm implementation of the Joint Statement and explore ways and means for promoting security cooperation in Northeast Asia." It was also decided that the 6th round of the six-party talks would be held on 19 March 2007 to hear reports of working groups and discuss actions for the next phase.

Defying looming pessimism, the six-party talks began to produce tangible progress as North Korea and the U.S. resolved the BDA entanglement. The North

²⁸ For its full text, refer to http://www.mofat.go.kr/mofat/mk_a008/mk_b083/mk_c063.html. Also see "Faces saved all round," *Economist*, February 17, 2007, pp.28-30.

complied with the first phase of the Feb. 13 agreement by shutting down its nuclear facilities in Yongbyon and sealing them with the assistance of IAEA in July 2007. And North Korea agreed to implement the second phase obligations of disabling its fuel fabrication plant, nuclear reactor, and reprocessing facilities. The issue of disablement might not become contentious any longer although technical complexities might delay its completion from the agreed deadline of December 31. Nevertheless, the complete and accurate declaration of nuclear materials seems problematic. President Bush sent a letter to Chairman Kim Jong Il through Christopher Hill who visited Pyongyang during the first week of December and is known to have urged him to declare details of nuclear warheads, PU and enriched uranium program, and nuclear transactions with the outside world including its Syrian nuclear connection.²⁹ Apart from the declaration issue, verifiable inspections pose another daunting challenge. Would North Korea allow an intrusive inspection? Given the clandestine nature of North Korean society, its extraordinarily high national pride, and the powerful position of its military, it would be extremely difficult for outside inspectors to undertake a sweeping and intrusive inspection of nuclear facilities in the North. Even if North Korea showed a passively cooperative attitude, verifiable inspections may still prove difficult, with the Iraq experience an obvious testament to the dilemma of inspections. Even if North Korea fully cooperates with the verifiable dismantling, it may not be easy to pool financial resources to provide the North with corresponding economic and energy incentives.

These constraints and challenges notwithstanding, I believe, the negotiated settlement through the six-party talks process is working, having exhibited real moments of progress. It should not be derailed because the six-party talks process is beneficial not only for the resolution of the North Korean nuclear issue, but also for constructing a peace regime in Korea as well as building a multilateral security cooperation regime in Northeast Asia. There are no other realistic alternatives but the talks, and all parties should make serious efforts to render it successful.

²⁹ Helene Cooper, "A New Bush Tack on North Korea," *New York Times*, December 7, 2007.

The Six-Party Talks, the 2nd Korean Summit, and a Peace Regime on the Korean Peninsula³⁰

Is the 2nd Korean Summit Incompatible with the Six-Party Talks?

The 2nd Korean summit, which was held in Pyongyang Oct. 2-4, 2007, was by and large a product of progress in the six-party talks and improved North Korea-U.S. relations. However, criticism has been mounting on it. Critics have accused President Roh Moo-hyun of not putting enough pressure on Chairman Kim Jong Il to fulfill the Feb. 13 agreement, and made the mistake of decoupling South-North economic cooperation from denuclearization.³¹ Indeed, President Roh agreed with Kim on a wide range of economic exchange and cooperation during the summit. They include: creation of the “special zone for peace and cooperation in the West Sea; swift completion of the first-phase construction of the Kaeseong Industrial Complex; opening of freight rail services to Kaesong and improved transportation, communication, and customs clearance procedures for the complex; repair of the Kaeseong-Sinuiju rail link and the Kaeseong-Pyongyang expressway; construction of joint shipyards at Anbyeon and Nampo ports in North Korea; pursuit of joint projects related to agriculture, public health and environmental protection; and upgrading the status of the existing Inter-Korean Economic Cooperation Promotion Committee to a Deputy Prime Minister-level Joint Commission for Inter-Korean Economic Cooperation.” And the 2nd summit declaration does not specifically state North Korea’s intention to discard its nuclear weapons.

However, it should be noted that President Roh insisted that North Korea stick to the “Korean Peninsula Denuclearization Declaration,” and Kim Jong Il called North Korean Vice Foreign Minister Kim Gye-gwan to report, in front of the two leaders, the contents of the agreement reached at the six-party talks on Oct. 3. Roh also expressed a strong will to strictly observe the second stage of the disablement procedure and receive reports faithfully about the denuclearization. Kim said he is willing to adhere to the “denuclearization declaration made on Sept. 19” and “the agreement signed on Feb. 13.” So it might have been difficult for Roh to push for more. And

³⁰ This section draws partly on Chung-in Moon, “Symbols vs. Substance: The Inter-Korean Summits,” *Global Asia*, 2:3 (2007), pp.76-89.

³¹ See, for example, Michael Green, “Five Questions about the South – North Korean Summit Meeting,” *The JoongAng Daily*, October 9, 2007. For a rebuttal on it, see Chung-in Moon, “Michael Green’s Criticism of the Inter-Korean Summit Was Illogical and Isn’t Helpful for Future Relations,” *The JoongAng Daily*, October 19, 2007.

more importantly, there was a shared understanding that the inter-Korean economic cooperation will not be possible without the progress toward denuclearization. Thus, the South has given the incentives to the North in order to expedite the process of denuclearization, and North Korea's failure to do so will lead to massive withdrawal of those incentives, which could make the North more desperate.

In addition, South Korea is the chair of the working group on economic and energy assistance to North Korea within the framework of the six-party talks. It will be extremely difficult for South Korea to seek unilateral economic exchanges and cooperation with North Korea disregarding the mandates of the six-party talks agreement. Such an act will be tantamount to relinquishing the very six-party talks process which South Korea has been working hard to revive and sustain. Nevertheless, fine tuning the two wheels, the six-party talks process and the inter-Korean relations, will not be easy, and the South needs to prepare for contingences that could undercut the assumption of a virtuous circle between the two.

North Korean Nukes and Peace Regime on the Korean Peninsula

The North Korean nuclear issue is also deeply embedded in the structure of the Korean conflict.³² North Korea claims its nuclear sovereignty because of American nuclear and conventional threats that exist due to the military confrontation along the DMZ. Thus, it might be difficult to completely resolve the nuclear issue without first transforming the current armistice agreement into a new peace treaty involving the North, the South, and the U.S. Tying the nuclear issue into the overall peace regime in Korea could facilitate the very process of negotiation. The peaceful resolution of the nuclear issue will eventually cultivate new trust among concerned parties, and such trust can facilitate the resolution of other outstanding security and non-security concerns. Progress in nuclear negotiations can produce positive linkage effects on negotiations on the transformation of the armistice agreement into a new peace regime in Korea and vice versa. Being aware of this, President Roh gave a greater attention to the issue of transformation of the armistice agreement into a permanent peace regime through an official declaration of an end to the Korean War during the summit.

³² See The Atlantic Council, *A Framework for Peace and Security in Korea and Northeast Asia: A Policy Paper* (Washington, D.C.: The Atlantic Council, April 2007); Selig Harrison, *Turning Point in Korea: New Dangers and New Opportunities for the United States* (Washington, D.C.: Center for International Policy, 2003). The United States Peace Institute, "A Comprehensive Resolution of the Korean War," *Special Report 106* (May 2003), p.2.

Regarding the creation of a permanent peace regime on the Korean Peninsula, Roh conveyed U.S. President George W. Bush's message on this subject to Kim during the summit. Roh and Bush had earlier discussed ways of replacing the 1953 armistice agreement with a peace regime in Korea. At the ROK-U.S. summit on September 6 during the 2007 Sydney APEC summit, Bush indicated he would join the leaders of South and North Korea to declare an end to the Korean War and engage in discussions to create a permanent peace regime if North Korea's denuclearization was complete. Bush's proposal would involve three parties in the discussion: North and South Korea, and the U.S.

While Kim responded favorably to the message, he suggested a summit with "three or four" parties. It is not clear exactly what he meant, but it is presumed that he meant the fourth party to be China. Interestingly, Roh raised the possibility of including China in such a summit when he met President Hu Jintao in Sydney in September, but Hu did not formally endorse the idea. Nevertheless, both Koreas would most likely extend an invitation to China to join such a process, and China would likely agree, not only because it is a legal party to the 1953 armistice agreement—which South Korea did not actually sign—but also because the Sept. 19 Joint Statement stipulated as such. Article 4 of the Oct. 4 Declaration says: "The South and the North both recognize the need to end the current armistice regime and build a permanent peace regime and work together to hold a three or four party summit talk in an area of the Korean peninsula with other countries directly involved in this matter to declare an end to the Korean War." On Nov. 13, Roh followed this up with a public call for such a summit: "In order to push for the prompt nuclear dismantlement of North Korea and the conclusion of a peace treaty, the leaders of the concerned countries need to make a joint declaration and set up a definite milestone."

Efforts to move toward a formal declaration to end the Korean War face three contentious issues. The first is the view that the talks should be restricted to three parties—North Korea, the U.S. and China, to the exclusion of South Korea. This is based on the legal structure of the original armistice agreement, which was signed by the U.S., China and North Korea, but not by South Korea—which, in protest, did not sign. From a legal point of view, such an argument seems valid. But upon closer scrutiny, the absurd complexities of the situation become evident. The actual signatories agreement were a North Korean general representing the North's government, a Chinese general representing Chinese "volunteer" forces, and an

American admiral representing the United Nations Command. In other words, strictly speaking, the legal signatories were the North Korean government, Chinese volunteer forces that no longer exist, and the United Nations Command, not the U.S. government. Thus, an insistence that only the legal parties to the original armistice should be involved in future talks to end the Korean War no longer makes sense. The Sept. 19 Joint Statement of the six-party talks implies a more sensible approach: that both *de jure* and *de facto* parties, namely the two Koreas, the U.S., and China, should be included.

The second contentious issue is the question of timing. Some argue that negotiations over a peace treaty should precede a “three or four party” summit aimed at declaring an end to the Korean War, because otherwise the Korean Peninsula would be susceptible to transitional uncertainty without a formal arrangement for peace. But such criticism seems to me too severe and literal. Such transitional uncertainty can easily be resolved by including in the declaration to end the war such provisions as maintenance of the existing armistice agreement until a permanent peace regime is established, initiation of four-party negotiations for a peace regime, and the launching of DPRK-U.S. bilateral negotiations on diplomatic normalization.

A final contentious issue is the argument that the 2007 summit declaration failed to link the establishment of a permanent peace regime to North Korea’s complete denuclearization. This argument, however, ignores the fact that South Korea has all along sought to link the six-party talks to the establishment of a peace regime. This view has held that if North Korea makes visible progress in dismantling its nuclear programs and weapons, the other concerned parties may well consider holding a peace summit talk to declare an end to the Korean War and to explore ways of establishing a peace regime on the Korean peninsula as an incentive for North Korea to undertake a verifiable and irreversible dismantling of its nuclear materials and warheads.

In view of the above, I contend that the second Korean summit was conducive to the resolution of the North Korean nuclear problem in general and to the smooth steering of the six-party talks process in particular. It was true that the six-party talks have again showed an up-and-down pattern. North Korea shut down and concealed its nuclear facilities in Yongbyon by the end of October as agreed with the U.S. on October 3. The North has also showed its willingness to disable nuclear facilities. Dispute over the scope of accurate and complete declaration (whether to include its Syrian connection) has stalled the six-party talks. I believe North Korea has little to

gain by relinquishing the six-party talks channel and, therefore, will comply with the mandate of disabling and declaration. In this sense, the six-party talks can still serve as an effective tool of dealing with the North Korean nuclear problem.

Conclusion: patience, prudence, and concerted efforts

Shutting down and sealing nuclear facilities in Yongbyon, inviting IAEA inspectors for verifiable inspection, and disabling all nuclear programs can be done relatively smoothly. However, a complete and accurate declaration of all nuclear programs, materials, and weapons, their verification through intrusive inspection, and their irreversible dismantling could be much more traumatic and could take much longer time, possibly lasting years. And throughout the process of intrusive inspection, there could very well be continued ups and downs with North Korea. In dealing with this process, all parties need to show patience and self-restraint. Otherwise, the resolution of North Korean nuclear problem might become impossibly difficult.

Prudence also matters. In particular, the U.S. needs to exercise more prudence, as reckless and unilateral policy behavior by the first Bush administration worsened the situation. Prudence comes from a more realistic and inter-subjective understanding of North Korea, which can be obtained only when there is a proper blending of area expertise and functional specialty. Despite its past erratic and even deceptive behavior, the North Korean leadership is not irrational. Although the North is a tough bargainer, it is willing to cooperate if the proper mix of incentives is offered. North Korea has always responded positively to positive reinforcement, and vice versa.³³ Recognition of its identity, provision of tangible incentives, and occasional face-saving treatment has and can yield positive results. Same can be said of North Korea. Self-serving interpretation and resort to brinkmanship diplomacy alone cannot ensure its national interests. North Korea is not the center of universe, and it should learn how to survive through mutual understanding and cooperation. Developments since the February 13 agreement might be the last chance for assuring positive sum outcomes for all. North Korea's failure to grasp the new opportunity can lead to negative sum outcomes where everybody loses, and nobody wins. Thus, prudence and patience should be the

33 Chung-in Moon, "North Korea's Foreign Policy in Comparative and Theoretical Perspective," B.C. Koh, *North Korea and the World: Explaining Pyongyang's Foreign Policy* (Seoul: Kyungnam University Press, 2004), pp.355-368; Joseph Cirincione and Jon Wolfsthal, "Dealing with North Korea," *Proliferation Brief*, 6:23 (December 19, 2003).

guiding virtue for dealing with North Korea.

There must also be concerted efforts among the six-party talks members. Each member needs to restraint its own agenda, while giving the top priority to the nuclear issue. Human rights, kidnapped Japanese, money laundering, and smuggling are all important issues, and they should not be treated lightly. But now is the time to focus on the nuclear issue first. When the nuclear problem is resolved, and trust is formed, then it will be much easier to tackle other issues, including missiles and bio-chemical weapons. And North Korea might be tempted to deliberate on a policy of divide and rule by pitting the U.S. and Japan against China, South Korea, and Russia. Five countries should make concerted efforts to cope with such a move. However, five party coordination and cooperation should not be conducted in such a way to isolate North Korea.

Finally, I do not see any reason why the Lee Myong-bak government would not honor the agreements in the 2007 summit declaration. Provided that progress is made on nuclear issues, albeit its conservative tilt, the Lee government is likely to implement these agreements. Although the Grand National Party (GNP) is the traditional party of hard-line anti-communism, and Lee has been critical of the North, describing the last December presidential election as “a fight between pro-North Korean leftists and pro-American conservatives,” President Lee is pragmatic enough to manage the situation wisely. The issue at stake is whether the North is willing to cooperate. North Korea could take a confrontational gesture for the time being for a disciplinary purpose, as it did during the Kim Young-sam government, despite its desperate economic needs.