

# The Six Party Talks and Implications for a Northeast Asia Nuclear Weapons Free Zone

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by Chung-in Moon

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This report was originally presented at the [East Asia Nuclear Security workshop](#) held on November 11, 2011 in Tokyo, Japan. All of the papers and presentations given at the workshop are available [here](#), along with the full agenda, participant list and a workshop photo gallery.

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## **I. Introduction**

Chung-in Moon states that the Six Party Talks (SPTs) mechanism and the idea of a Northeast Asia Weapons Free Zone (NEA NWFZ) are mutually complementary and should be pursued in parallel. Moon asserts that while the SPTs are designed to deal with the North Korean nuclear problem, they cannot address the other nuclear-related challenges the Northeast Asian region is currently facing, including enrichment, spent fuel management, waste disposal, reactor safety and emergency management. Likewise, without addressing the North Korean nuclear program, regional cooperation on these issues is unlikely.

Chung-in Moon is a professor of political science at Yonsei University and a former Ambassador for International Security Affairs at the Ministry of Foreign Affairs and Trade, Republic of Korea.

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## **II. Report by Chung-in Moon**

The Six Party Talks and Implications for a Northeast Asia Nuclear Weapons Free Zone [\[1\]](#)

by Chung-in Moon

### *I. Introduction*

The controversy over the highly enriched uranium (HEU) program in North Korea, which surfaced during American special envoy James Kelly's visit to Pyongyang in October 2002, triggered the second round of the North Korean nuclear crisis, reminiscent of the 1994 nuclear crisis. Despite intense diplomatic efforts, however, the nuclear standoff does not show any signs of reaching an immediate and peaceful settlement. Rays of hope brought by the adoption of September 15 Joint Statement in 2005 as well as the February 13, 2007 Agreement on "Initial Actions for the Implementation of the Joint Statement at the Six Party Talks (SPTs) have been fading away. The uncompromising and even incomprehensible attitude of North Korea, passive diplomacy by the Obama administration, the politics of spoilership by Japan and South Korea, and a lukewarm leadership in China have all contributed to complicating the current stalemate. Furthermore, the sinking of a South Korean navy corvette allegedly by North Korea's submarine torpedo on March 26, 2010 and North Korea's shelling of the Yeonpyong island and two civilian casualties on November 23, 2011 have further heightened military tension on the Korean peninsula, profoundly undermining prospects for a negotiated settlement through the SPTs.

Failure to handle North Korea's nuclear quagmire through peaceful and diplomatic means could bear serious negative security implications for the Korean peninsula, the Northeast Asian region, and the world. It can severely destabilize peninsular security by breaking inter-Korean military balance and heightening chances for conflict escalation. A nuclear North Korea can also threaten regional strategic stability by precipitating a precarious nuclear domino effect in Northeast Asia. More importantly, nuclear proliferation through North Korea's transfer of nuclear materials to rogue

states and global terrorists can be accompanied by formidable threats to global security as well. Thus, the North Korean nuclear problem is not simply a peninsular issue, but touches on the common security of the region and the world. It is in this context that the SPTs deserve attention as a multilateral mechanism for cooperation and coordination in dealing with the North Korean nuclear issue.

Against this backdrop, this paper aims at exploring the present status and future prospects for the Six Party Talks and implications for Northeast Asia Nuclear Weapons Free Zone (NEA NWFZ). The first part of the paper presents an overview of the SPTs, and the second looks into the rationales of the SPTs and presents an in-depth analysis of the overall negotiation process. Finally, the paper assesses implications of a NEA NWFZ.

## *II. Resolving the North Korean Nuclear Quagmire-Debates on Modalities*

One of the major difficulties in resolving the second North Korean nuclear crisis involved modality of negotiations. Whereas North Korea has consistently favored bilateral talks with the United States, the U.S. has preferred multilateral formats. Some have suggested punitive unilateral actions [2]. Thus, it seems worthwhile to examine contending models of resolving the North Korean nuclear problem before the relevance of the SPTs is discussed.

**Unilateral modality:** The unilateral mode starts with a pessimistic view of negotiated settlements. Namely, that given past track records, it is virtually impossible to change North Korea's behavior through dialogue and negotiations, and the only credible way to disarm North Korea's nuclear arsenal is either to transform the regime through isolation and containment or to reply with military options.

The hostile neglect strategy based on isolation, containment, and transformation is predicated on several assumptions [3]. The most critical assumption is that the North Korean nuclear problem cannot be solved without toppling the evil regime in North Korea. As long the regime stays in power, North Korea will want both dialogue and the nuclear bomb simultaneously. Removing the current regime from power and creating a new regime in North Korea is the best and surest way to solve the North Korean nuclear dilemma [4]. Thus, the United States and its allies and friends should work together to isolate, contain, and transform North Korea. If they work together, the transformation of North Korea will materialize faster than its emergence as a real nuclear power.

Another aspect in this approach is to "let North Korea go nuclear [5]." The underlying assumption is that there is no other option but to recognize North Korea as a nuclear power either because of delayed dialogue and negotiations with the North, or because of North Korea's unfailing intention to develop nuclear weapons for both survival and bargaining leverage. The belief is that allowing the North to be a nuclear power would not pose any immediate nuclear threats to countries in the region since it would require more time to emerge as a full fledged nuclear power.

The Proliferation Security Initiative (PSI), which President Bush proposed in Krakow, Poland on May 31, 2003, was one of these unilateral actions. The PSI is designed to "combat proliferation by developing new means to disrupt WMD trafficking at sea, in the air, and on land [6]." Although the PSI was not intended to isolate and contain North Korea and eventually transform its regime, North Korea, being designated as one of the rogue states, was bound to be subject to pressures of the initiative. In fact, along with this, the United States deliberated on extensive measures to isolate and contain North Korea through a ban on arms-related exports and sales, controls over the export of dual use items, prohibitions on economic assistance, and the imposition of miscellaneous financial and other restriction [7]. The Japanese government also joined the U.S. in pressuring North Korea by undertaking several measures, such as the suspension of a regular ferry linking Japan and North

Korea and of remittance from *Josoren*, a pro-North Korean organization in Japan, as well as a trade embargo. South Korea under the Lee Myung-bak government has also been pursuing the strategy of hostile neglect, which became further intensified as a result of North Korea's alleged armed attack on its naval vessel. The Lee government banned exchange and cooperation programs with the North, calling for comprehensive international sanctions and other punitive measures [8].

Another unilateral approach is the military option. It can be a last resort when and only if both negotiated settlement and hostile neglect options fail. The United States and South Korea could deliberate on three possible military options. The first is a preemptive surgical strike on nuclear facilities in *Youngbyon*, which was once considered during the 1994 nuclear crisis. The second is the combination of a surgical strike and preemptive all-out attack on North Korea. The final option could involve a sequence of surgical attack, North Korea's retaliation, and counter-attack. Regardless of types of options, military actions are likely to result in a major catastrophe through conflict escalation. Even a well planned and conducted surgical strike will eventually escalate into a major conflict.

But both unilateral actions seem less desirable. The hostile neglect and eventual transformation of North Korea do not appear to offer a viable solution to the current crisis because of several serious limits, constraints, and negative backlashes [9]. Such a move would worsen rather than improve the current nuclear standoff, eventually escalating into a major conflict on the Korean peninsula [10]. Moreover, the option has proven to be problematic as the regime has not collapsed, and North Korea has declared itself as a nuclear weapons state. Its proponents also seem to commit the fallacy of underestimating the regime durability in North Korea. Outside pressures on North Korea will not only strengthen the position of hard-liners in the name of 'military first politics,' but also enhance its internal cohesiveness, weakening the possibility of transformation from within. Outside efforts to isolate and contain could solidify Kim's power base and elongate his regime survival. It is more so because of the intense and widespread anti-American sentiments in North Korean society that have resulted from both its people's long lasting memory of the American air raid during the Korean War and the ruling regime's systematic and prolonged indoctrination. And it seems highly unlikely for China to join any additional sanctions that go beyond those stipulated by the United Nations Security Council resolutions.

Several other factors also make the military option less feasible and desirable. South Korea and the United States cannot wage an effective war on North Korea without winning support from neighboring countries, especially China and Russia. It also seems doubtful whether South Korea and the U.S. would be able to achieve their political and military objectives through military actions. A surgical strike on the *Youngbyon* nuclear facilities cannot satisfy the goal of destroying North Korea's nuclear capabilities completely. Although it might be able to resolve the present nuclear problem (i.e., reprocessing of spent fuel rods and manufacturing of plutonium), it cannot get rid of nuclear warheads and materials, including HEU, which the North has already acquired. And no matter how backward and ill-equipped, the North Korean military still remains powerful and well fortified. The ideology of 'military first politics', widespread anti-Americanism deeply embedded in the North Korean people, hostile terrain and fortification of military bases, and asymmetric forces deployed along the DMZ would not yield an easy victory to the United States. The most critical repercussion is profound collateral damages associated with military action, dealing a critical blow to South Korea's security and prosperity. It is for this reason that South Korean people, if not the government, would strongly oppose military action.

**Bilateral Modality:** The bilateral formula presupposes the settlement of the North Korean nuclear problem through direct dialogues and negotiations between the United States and North Korea. North Korea and the United States have entered three major bilateral agreements: the joint

communiqué on non-military threat in 1993, the Geneva Agreed Framework in 1994, and the Albright and Cho Myong-rok joint communiqué on non-hostile intent, mutual respect of sovereignty, and the principle of non-interference in domestic affairs in October 2000. The Agreed Framework was the first bilateral agreement on the nuclear issue between the two countries. It stipulates that North Korea's return to the Non-proliferation Treaty (NPT) and the freezing of its nuclear activities should be rewarded with the supply of heavy oil, construction of two light water nuclear reactors, negative security assurance, and overall improvement in bilateral economic and political relations.

The current nuclear standoff has already nullified the agreed framework. Nevertheless, North Korea has been trying to revive the bilateral modality by calling for a direct bilateral talk with the U.S. Since the current nuclear crisis is essentially a product of American hostile policy towards North Korea, the North argues, its removal through bilateral negotiations is a prerequisite for the resolution of the nuclear problem. Otherwise, there is no choice but to strengthen its nuclear deterrence capability to cope with American nuclear threats. Disabling, verifiable inspections, and the irreversible dismantling of its nuclear materials and weapons are contingent upon American security assurance, other follow-up incentives, and eventually diplomatic normalization.

The U.S. has rejected the North Korean proposal by pointing out the previous failures of a bilateral approach under the Clinton administration. Hard-liners in the Bush administration believed that the Geneva Agreed Framework was nothing but an act of appeasement that rewarded North Korea's bad behavior. They would not repeat the same mistake of appeasing to North Korea's blackmail. Henry Kissinger aptly summarized the Bush administration's perception of bilateral modality: "The bilateral route urged by North Korea is a trap and demand for a non-aggression pact is canard." [11] A deeply rooted distrust of North Korea, which was widely shared among key decision-makers in the Bush administration, blocked the chance for direct bilateral talks. Although president Obama expressed his willingness to resolve the North Korean nuclear issue by holding a direct bilateral talk with Kim Jong-il during his presidential election campaign, the pledge was never materialized. The Obama administration had bilateral talks with the North, but they were held within the parameters of the SPTs process. Thus, bilateral negotiations seem highly unlikely unless the SPTs make significant progress in resolving North Korea's nuclear problem.

**Trilateral Modality:** As disputes over the modality of negotiations prolonged the nuclear standoff after Kelly's October visit in 2002, heightening the potential for conflict escalation, China intervened and arranged a three-party talk among North Korea, the United States, and China in Beijing April 2003. Strictly speaking, what China had in mind in arranging it was to create an opportunity for direct bilateral talks between Pyongyang and Washington within the three-party framework. Failure to stop the fiasco and North Korea's possession of nuclear weapons could threaten China's national security interests. Thus, it was a preemptive diplomatic measure to prevent further aggravation of the North Korean nuclear problem. American pressures also worked.

Realizing its leverage over North Korea, the U.S. strongly pressured China to play a more active role in blocking North Korea's nuclear ambition. And with the inauguration of a new leadership under Hu Jintao, China might have wanted to pursue a more proactive diplomacy [12]. China succeeded in persuading the North to attend the three-party talk through extensive 'shuttle' diplomacy.

During the three-party talk, North Korea made a concrete proposal, called a 'bold initiative.' According to the initiative, North Korea was willing to make a binding public pledge to abandon its nuclear weapons program through verifiable dismantling and to continue the moratorium on missile test launching and the export of missile parts and components and technology, provided its requests for a non-aggression document, normalization with the U.S., non-obstruction of its economic cooperation with Japan and South Korea, and alleviation of its energy situation, including the Shinpo LWR project, were met. More specifically, the proposal was based on a four-stage approach.



The first stage involves an exchange of North Korea's public declaration to abandon its nuclear development programs for the resumption of heavy oil supply and humanitarian food aid. The second stage is comprised of the signing of a U.S.-North Korea non-aggression treaty, compensation of lost electricity by the delayed completion of light-water nuclear reactors, and freezing and inspection of North Korea's nuclear facilities. The third stage presupposes North Korea's diplomatic normalization with the U.S. and Japan and the resolution of the missile issue. Finally, North Korea would completely dismantle its nuclear programs upon the completion of light-water nuclear reactors. [13]

However, the United States simply ignored the North Korean proposal. Even with the Chinese government's enormous mediating efforts, James Kelly refused to engage in any direct bilateral talks with North Korea. The American position was clear: unless the North starts a verifiable dismantling of its nuclear program, it would not engage in any dialogue and negotiations. What made the situation worse was the North Korea's resorting back to its traditional strategy of brinkmanship diplomacy. The North Korea's chief delegate Li Gun's informal remarks to Kelly that it has not only acquired one or two bombs, but also completed reprocessing of 8,000 spent fuel rods blew up the overall ambiance of the three-party talk. Even China was angered by North Korea's cheating behavior. For while the North informally notified the U.S. of its possession of nuclear bombs and reprocessing of spent-fuel rods, it denied their existence to China. Moreover, China's dubious role as mediator, and not as a direct party delimited its effectiveness. The three-party talk ended in a dismal failure, and was adjourned after only one meeting. [14]

**Multilateral Modality:** The multilateral formula can be defined as the collective efforts to resolve the North Korean nuclear problem through multilateral coordination and cooperation. It has so far been manifested in three distinct forms. The first is the United Nations/International Atomic Energy Agency (IAEA) route. This was undertaken in tandem with North Korea's compliance with the NPT, embodied in the Geneva Agreed Framework. The second involves a proposal on Principal Five (permanent members of the UN Security Council) plus Five (South Korea, North Korea, Japan, Australia, and EU), which was suggested by the Bush administration in January 2003. The proposal was a calculated move by the U.S. to bring North Korea to a multilateral negotiation table, while avoiding any form of bilateral talks with North Korea. The move was seen as a pretext for the transfer of the North Korean case to the United Nations, should this venue fail as a result of North Korea's non-cooperation. The P 5 + 5 formula was attractive because it featured all the relevant parties, the five permanent members of the United Nations Security Council as well as the active participants in the Korea Energy Development Organization (KEDO). The final formula is the six-party talks that convened through the mediation of China in late August 2003.

Whereas the United States initially favored either the UN formula or the P 5 + 5 formula, North Korea opposed the multilateral approaches. Even the six-party talk formula was rejected. Reasons behind North Korea's rejection of the IAEA route underscore its dislike of the multilateral approaches.

First, North Korea perceived that the IAEA was nothing but an instrument of America's hostile policy on North Korea. Despite that North Korea did not admit to the possession of its highly enriched uranium program, the Board of Governors of the IAEA adopted a resolution that not only treated North Korea as a criminal, but also called for its abandonment through verifiable means. For North Koreans, "It is nothing but an American conspiracy to strangle us through the manipulation of IAEA." [15]

Second, North Korea argued that IAEA's double standards cannot be tolerated. In this regard, the Korea Central News Agency made an interesting comment: "We are the victim of an aggressive policy by the United States. It is the United States who violated the NPT and the Geneva Agreed

Framework, but the IAEA is asking us to give up our rights to self-defense under American pressures without mentioning a single word on American behavior. Such attitude reveals how false and hypocritical its claims are to impartiality.” [16] North Korea decided to withdraw from the NPT because of American hostile policy and its nuclear threats. According to the North, the United States violated the principle of negative security assurance embodied in the NPT. Thus, lack of neutrality and impartiality became a primary source of North Korea’s grievances toward the IAEA.

Third, North Korea also questioned the autonomy of the IAEA as an independent international organization. North Korea alleged that the IAEA made decisions only after getting instructions from the United States [17]. And the IAEA’s actions and decisions relied very heavily on intelligence materials fabricated by the United States. It claimed that abuse and misuse of international organizations by the United States were most vividly evidenced through the UN Security Council’s discussion of the Iraqi issue which the U.S. attempted to use as an excuse for war. The following statement from the Korean Central News Agency revealed the point *par excellence*: “The Iraqi War shows that to allow disarming through inspection does not help avert a war but rather sparks it.” [18]

Fourth, North Korea’s obsession with bilateral agreements with the United States was another hurdle. For the North, its compliance with the NPT safeguard agreement was effective only when the Geneva Agreed Framework remained effective. When the Geneva Agreed Framework was nullified, North Korea did not have any obligations to honor the NPT. North Korea justified its decision to withdraw from the NPT because of the KEDO’s failure to supply heavy oil and the revival of American hostile policy and intentions to undertake preemptive nuclear attacks. [19] Citing Article 10, section 1 of the NPT, North Korea claimed that it reserves the right to withdraw from NPT if its national interests are severely threatened. In other words, the North perceived that the multilateral approaches were viable only within the context of bilateral agreements with the United States.

Fifth, North Korea raised a fundamental question on the authority and legal boundary of multilateral arms control regime. The Board of Governors of the IAEA decided to transfer the North Korean nuclear case to the UN Security Council on February 12, 2003. North Korea responded to it by arguing that since the lifting of a temporary ban on the effective withdrawal from the NPT was made on January 10, making its withdrawal from the NPT effective immediately, the DPRK was not obliged to comply with the NPT. [20] For the North, the IAEA decision to transfer the North Korean nuclear case to the UN Security Council was, therefore, an act of interference with domestic affairs of DPRK. [21] The following quotation underscores North Korea’s view of IAEA in a concise and clear way: “IAEA has not only underscored its authority and honor as an international organization, but also alienated itself from the resolution of the nuclear problem by dealing with the Korean nuclear problem in an unfair manner that arises from the application of a double-standard under American influence.” [22]

Finally, North Korea rejected the proposals on the P 5 + 5 and the six-party talk by claiming that they were nothing but American ploys to defuse attention and to build rationales for exerting collective pressures on it. According to the North, they were simply time-delaying tactics.

### *III. The Six Party Talks Process-Progress, Setback, and Rationale*

North Korea’s opposition notwithstanding, however, China successfully initiated the Six Party Talks process with the help of Russia and South Korea. It represented a compromise between the American proposal of P5+5 and North Korean proposal of bilateral talks. The SPTs process was not smooth, however. Its track record has shown a roller-coast pattern, as ups and downs as well as stop-and-go have characterized its overall process. No progress was made in the first three rounds

of six-party talks. A major breakthrough through the adoption of the September 19 Beijing Joint Statement came during its 4th round in 2005, but immediately met with a major setback due to the Banco Delta Asia (BDA) issue.

After a relatively long stalemate (from November 2005 to February 2007), the six parties adopted the February 13 agreement on initial implementation of the September 19 joint statement at the 3rd session of 5th round of the six party talks. Although technical and procedural difficulties associated with the transfer of North Korean bank accounts at BDA to a third party bank again stalled the six party talks process, bilateral talks between North Korea and the U.S. revived the SPTs by facilitating North Korea's shutting down and sealing of the nuclear facilities in Youngbyon and their disabling, which constituted the first and second stage of the February 13 agreement. However, verification protocol issues, along reciprocal supply of heavy oil, again derailed the process. North Korea had high anticipation on the Obama administration, but lack of action from the new administration drove the North to test launch a long-range missile on April 5, 2009 and to have the second underground nuclear testing on May 25, 2009. The sinking of South Korean naval corvette, 'Cheonan,' on March 26, 2010, by an alleged North Korean torpedo as well as North Korea's shelling of the Yeonpyong island on November 23, 2010 have complicated the situation all the more difficult, making the resumption of the SPTs very unlikely.

For this setback, the six-party talks should be revived and sustained, because there are no other alternatives. 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 as well as fostering a peace regime on the Korean peninsula and multilateral security cooperation in the region. The September 19 joint statement presents a promising step toward the peaceful resolution of the North Korean nuclear problem. 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 co-existence 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 reduced 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 dividends. One is the agreement to negotiate a permanent peace regime on the Korean peninsula among concerned parties in a separate forum, 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 was 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 Joint Statement' was



also significant. [23] 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 verification.” The North 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 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-US 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.

Although the February 13 agreement was nothing but a first step toward the fuller denuclearization of the Korean peninsula, it deserves commendation for several reasons. First, in contrast to the Joint Statement which was rather comprehensive and declaratory, the agreement gave a very concrete picture of actions with a clearly defined time table. Second, the agreement was also innovative in the sense that it effectively combined bilateral with multilateral approaches. Most interesting was the shifting U.S. position. The United States became pragmatic enough to pursue bilateral contacts with the North, departing from previous adherence to multilateral contacts. It is particularly noteworthy that all five countries pledged to share the costs of energy assistance to North Korea in accordance with the principle of equality and fairness. Third, both North Korea and the United States appeared to have committed to the diplomatic resolution of the nuclear problem through the six-party talks process by overcoming the inertia-driven behavior of the past. Immediately after signing the agreement, both parties moved quickly. Whereas the United States pledged to resolve the BDA problem within 30 days and invited Vice Foreign Minister Kim Gye-gwan, North Korea’s chief delegate to the Beijing talk, to visit New York on March 1 to initiate bilateral talks on normalization, North Korea also reciprocated by inviting Mohammed el-Baradei, head of the IAEA, to visit the North, which was viewed as a pretext for the return of its inspectors. Finally, there was a shared perception and unity of purpose among all parties, even including North Korea: that the breakdown of the agreement could lead to the collapse of negotiated settlement, portending a major disaster and that no one wants to lose face by becoming a spoiler.

But several challenges haunted the six-party talks process since mid-2008. The scope of nuclear activities and programs to be declared, inspected and dismantled was not clearly identified in the two documents. Does “abandoning all nuclear weapons and existing nuclear programs” include the highly enriched uranium program (HEU)? Obviously, the U.S. would think so, whereas the North may continue to deny that it even exists. Factual evidence should eventually resolve this issue.

Verifiable inspections posed 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 it is assumed that North Korea fully cooperates with the verifiable dismantling, such cooperative behavior is predicated on incentives, and bilateral and multilateral energy assistance, expansion of trade and investment, and other forms of assistance. But pooling financial resources for such a scope of assistance posed another challenge. Considering other pending issues such as missile proliferation, human rights violations, and illicit drug and counterfeit currency trafficking, Japan and the U. S. may discover significant domestic political opposition to assuming the lion's share in assisting North Korea. Japan might not join such efforts at all unless the issue of abducted Japanese citizens is resolved, and provision of incentives and engagement with North Korea will become less effective without the participation of Japan and the United States. From logistic point of view, it would also be a formidable task to coordinate and steer five working groups simultaneously.

#### *IV. The Stalled SPTs and Prospects*

With the induction of the Lee Myung-bak (MB) government in South Korea in 2008, an overall balance of the SPTs began to change as South Korea's role shifted from facilitator to spoiler. The MB government has been pursuing a two-track approach regarding North Korea. On the one hand, it proposed to the North "De-nuke, Open 3,000," in which if North Korea de-nuclearizes, the South would lift its per capita income to \$3,000 within ten years by facilitating opening and reform in the North. On the other hand, the MB government would continue to rely on the SPT as a diplomatic channel to resolve the problem. However, the North has shown a more confrontational attitude to the MB government by dismissing the 'De-Nuke, Open 3,000' proposal as the latter's ploy to undermine its regime and system through opening and reform. And as the SPTs, the MB government did not take any proactive moves, while passively following America's lead. Furthermore, the MB government has not shown any interest in pursuing a peace regime on the Korean peninsula and a multilateral security cooperation regime in Northeast Asia. Priority has been given to the ROK-US alliance and ROK-US-Japan trilateral coordination. The MB government has become much tougher after the North undertook the second nuclear test in May 2009. It not only overtly sought an American nuclear umbrella through the application of extended nuclear deterrence, but also proposed a 'grand bargaining strategy' which stipulated that the South would take bold and comprehensive measures to help the North if the North shows any willingness to denuclearize itself. Otherwise, five members of the SPTs would seek concerted efforts to penalize the North. The South was also critical of any bilateral contacts between Pyongyang and Washington without prior consultation with Seoul. South Korea has all of sudden emerged as a major barrier to the SPTs process, as Japan did in the past. South Korea's stance has become much tougher, especially after the sinking of the naval ship and the North's shelling of the Yeonpyong island, by calling for "North Korean apology first, resumption of the SPTs later."

Passive diplomacy of the Obama administration also played a major role in derailing the SPTs process, defying a high anticipation that the new administration would adopt a more progressive policy towards North Korea based on the Clinton-Kim Dae-jung model. President Obama could have avoided the current confrontation if he had sent a high ranking envoy to North Korea immediately following his inauguration with the message that the US was willing to normalize its relations with the North and to remove the posture of mutual hostility that had characterized the last eight years. By presenting a concrete road map for the verifiable dismantling of nuclear facilities, programs, and

weapons in light of such a gesture, the concurrent pursuit of Six Party talks and US-North Korean bilateral talks could have facilitated a breakthrough to the North Korean nuclear quagmire.

However, the Obama administration was preoccupied domestically with the economic crisis and internationally with the Iraq, Afghanistan, Iran, and Palestine issues, leaving North Korea a low policy priority. Moreover, the administration's review of the existing North Korea policy as well as nominations for key positions responsible for US policies on North Korea were all delayed. Although US Secretary of State Hillary Clinton officially announced the appointment of Ambassador Stephen W. Bosworth as special representative for North Korean policy during her visit to Seoul on February 20, 2009, the announcement has had little substantive impact. Rather, it was other remarks made during her visit that proved more significant, as she perhaps unintentionally provoked the ire of North Korean leadership.

Aside from her views on North Korea's highly enriched uranium program, the stance presented by Secretary Clinton was largely indistinguishable from that of the Bush administration. The similarity was apparent both in tone and substance from her remarks, using such phrases as "the complete and verifiable denuclearization of the Korean peninsula," and "becoming a global strategic alliance that rests upon shared commitments and common values – democracy, human rights, market economies, and the pursuit of peace," the explicit emphasis on the "tyranny and poverty" in North Korea and warning that "North Korea's relations with the US will not improve until it engages in dialogue with South Korea." Clinton also made it clear that North Korea "cannot improve its relationship with the United States while insulting South Korean leadership and refusing dialogue with the South." Although it is natural for the US to stand with South Korea as its ally, Secretary Clinton should have shown more prudence and deliberation in her language regarding North Korea as the remarks appeared needlessly provocative and could be misconstrued as reflecting a concrete US policy toward the North that at the time was not yet finalized.

The inactivity of the Obama administration in addressing the North Korean issue proved especially unfortunate in that North Korea had high expectations of the Obama administration and hoped to positively engage the new administration sooner rather than later. However, it grew impatient as the US diverted its policy attention elsewhere. In fact, North Korea's rocket launch on April 5 and the second underground nuclear testing on May 25, 2009 can be seen as an attempt to strengthen not only its domestic positioning vis-à-vis a display of 'a strong, prosperous, and great nation (*Gangsungdaeguk*)' but also its bargaining position as the US invariably refocused its attention toward the North. But the real motive behind the launching might also have been to test the Obama administration's true intentions toward, and perception of, North Korea.

North Korean behavior before and after the rocket launching clearly corroborates this argument. For instance, it was altogether remarkable the lengths to which North Korea went to fully comply with international regulations and procedures when it launched the rocket in April of 2011. When it launched the Taepodong 1 on August 31, 1998, North Korea let the world know four days after the test launch, while it made a similar announcement one day after the launch of Taepodong 2 in July 2006. This past April, however, North Korea notified the International Maritime Organization of the expected launch time and flying trajectory almost one month before the launch. Moreover, it explicitly declared that the projectile was a research satellite for science and telecommunications purposes and voluntarily signed six international treaties and agreements related to the peaceful use of outer space. Additionally, after close consideration, North Korea seemed to have deliberately identified and exploited an unfortunate but nevertheless legitimate loophole in United Nations Security Council Resolution 1718 insofar as it knew there were no concrete regulations concerning satellite activity as opposed to ballistic missiles and related technology. The final point is especially worth noting because by using the launch as proof of its normal behavior by complying

with international rules and procedures, North Korea structured a calculated test to determine how willing the new administration was to recognize the North in the context of a normal international state.

International reaction, and the reaction of the US in particular, to the rocket launch was negative. The US regarded the rocket as a missile and accused the North of violating the UN Security Council Resolution 1718. North Korea's claim that it launched a satellite as part of its commitment to the peaceful use of space was flatly rejected and the act was interpreted as a provocation which threatened the US and neighboring allies.

Washington decided to apply to North Korea the 'crime and punishment' principle advocated by the Bush administration. It argued that North Korea's rocket launch was a clear violation of UN Security Council Resolution 1718, which required firm punishment from the international community. In pursuing these punitive efforts, Washington cooperated closely with South Korea and Japan, not to mention the UN, and aggressively solicited the participation of China and Russia. The Obama administration also announced that it would not make any concessions in order to bring North Korea back to the Six-Party talks, as had been done in the past, effectively conveying to the North that the US would no longer concede to habitual North Korean threats and blackmail.

Although the US response to the rocket launch was unusually unforgiving, it too had cause for the resolute stance. President Obama himself appealed to the North to refrain from the launch and sent Stephen Bosworth, Special Representative for North Korean Policy, to Beijing in order to explore the possibility of his visit to North Korea. But Pyongyang defied these goodwill gestures, making Washington increasingly impatient. The North further angered the Obama administration by undertaking the rocket launch fully aware that the Obama administration had not yet been able to appoint its key officials on North Korean policy and policy review on North Korea was not completed. North Korea's failure to accommodate such circumstances by delaying any provocative actions proved a critical miscalculation. At the same time, diplomatic pressure from Japan and South Korea played a significant role in shifting US policy toward a hard line stance, as the South Korean government, in close cooperation with the Japanese government, demanded immediate punitive actions against North Korea. This was a dramatic contrast to the past when South Korea served as a counterweight to hard line US policy. As the US could not turn a deaf ear to the demands of two major allies in the region, the options available to the Obama administration in addressing the issue were considerably limited.

Despite its inconsistent actions, North Korea's hope for new progress must have been severely disappointed. Following the adoption of the UN Security Council's presidential statement, sanctions against three North Korean companies and other follow-up measures, North Korea responded with an equally tough stance. It declared its withdrawal from the Six-Party talks, expelled inspectors from the International Atomic Energy Agency, and formally announced the recommencement of reprocessing of spent fuel rods. Then, on April 29, North Korea announced that it would conduct a second nuclear test, test launch an intercontinental ballistic missile and build a light-water reactor by securing lowly-enriched uranium unless the UN Security Council issued an apology. As announced, North Korea carried out a second nuclear test on May 25 and now appears determined to act on its own accord, following its own timetable. The sinking of the 'Cheonan' corvette and the shelling of the Yeonpyong island have further worsened the situation. It is highly unlikely for the South to approve the resumption of the SPTs unless Seoul's demands on both cases, including Pyongyang's formal apology, are resolved. There is a good chance for the SPTs to become its captive.

Likewise, the mismatch of perception and policy choices among South Korea, North Korea, and the U.S. has severely undercut the viability of the SPTs. China, the chair country of the SPTs, worked

hard to revive its process by persuading the North to return to the negotiation table, while urging cooperation of South Korea and the U.S. But Chinese efforts could win neither concession from North Korea nor positive signals from South Korea and the U.S. The scope of maneuver by Japan has been fundamentally limited because of the 'kidnapped Japanese' issue, whereas Russia has become virtually an indifferent third-party by-stander.

#### *IV. Conclusion: Implications for NEA NWFZ*

What implications can we draw from the experiences of the SPTs for the a nuclear free Northeast Asia? I personally believe that the SPTs, which are currently stalled, should be resuscitated. For progress in the resolution of the North Korean nuclear issue through the SPTs, can serve as the stepping stone for a nuclear free Northeast Asia. The February 13 agreement makes this point clear: "once the initial actions are implemented, the six parties will promptly hold a (foreign) ministerial meeting to confirm implementation of the Joint Statement and explore ways and means for promoting security cooperation in Northeast Asia." A further institutional development in terms of regularization of six party foreign ministers' talks or summit talks can be an ideal niche where issues pertaining to the Northeast Asia Weapons Free Zone can be addressed. This would become plausible not only because the resolution of the North Korean nuclear issue can eliminate the potential causes of nuclear "domino effect" in the region, but also because six parties can build mutual confidence in approaching nuclear security issues. In this case, details of nuclear weapons free Northeast Asia can be pursued as part of regional multilateral security cooperation regime building.

As it stands now, however, this route seems troublesome. Pessimism looms over whether the SPTs can resolve the North Korean nuclear problem. It is so precisely because the United States and other members of the SPTs are not likely to accommodate North Korea's pending demands such as the provision of two light-water nuclear reactors for the abolition of nuclear facilities, programs, and materials including uranium enrichment program and the removal of nuclear umbrella for South Korea in return for the verifiable dismantling of its nuclear weapons. In other words, the North Korean nuclear problem cannot be resolved without addressing the issues of building a peace regime in Korea and shaping new security architecture in Northeast Asia that can transcend the logic of extended deterrence deeply embedded in the region. China's rise and American efforts to balance it have further been complicating the security dilemma, undercutting the possibility of forming common, comprehensive, and cooperative security in Northeast Asia.

The idea of a NEA NWFZ can be deliberated in this context. The Six Party Talks mechanism is designed to deal with the North Korean nuclear problem, but it cannot address other nuclear-related challenges which the Northeast Asia region is currently facing. South Korea is pushing for access to the full fuel cycle and reprocessing by amending the ROK-US Atomic Energy Cooperation Agreement, and some conservatives are advocating for the outright possession of nuclear weapons. Although following the post-Fukushima tragedy, Japan has shown a steady decline in its plutonium strategy, it is not clear which direction it will be heading regarding the nuclear path. China and Taiwan are also increasingly relying on nuclear energy. It is in this context that nuclear fuel cycle safety and security collaboration have become of paramount importance. There is an array of issues that need regional-level cooperation and coordination: enrichment, spent fuel management, waste disposal, reactor safety and emergency management. A regional consortium to deal with these issues could be a desirable step toward the creation of Northeast Asia nuclear weapons free zone. Although the creation of such a zone would not be easy given the structure of mutual suspicion and rivalry in the region, mutual confidence-building resulting from consortium activities will certainly facilitate such a move.

In conclusion, I argue that the SPTs mechanism and the idea of NEA NWFZ are mutually

complementary and should be pursued in parallel. In that way, both can produce mutually reinforcing effects. Right now, though stalled, the Six Party Talks mechanism does exist, and its resumption could be simply a matter of time. The NEA NWFZ proposal, however, is still in progress. The critical issue is who would initiate the proposal and how it could be implemented in a politically meaningful way. However, Obama's 'nuclear free world' would be inconceivable without first realizing a nuclear free Northeast Asia. We should identify leaders from the region who are willing to raise the NEA NWFZ and mobilize domestic and trans-regional political support for them.

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#### IV. End notes

- [1] This paper is prepared for presentation at a workshop on East Asia nuclear security workshop organized by the Nautilus Institute and draws mostly on my paper "The Six Party Talks and Implications for Peninsular and Regional Security," in Ruediger Frank (ed.), *Korea and East Asia-International Relations and Options for a Regional Collective Security Mechanism* (Forthcoming).
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Nautilus Institute

608 San Miguel Ave., Berkeley, CA 94707-1535 | Phone: (510) 423-0372 | Email:  
[nautilus@nautilus.org](mailto:nautilus@nautilus.org)