

Overcoming U.S.–DRPK Hostility: The Missing Link Between a Northeast Asian Comprehensive Security Settlement and Ending the Korean War¹

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Structured Abstract

Article Type—Research Paper

Purpose—This paper defines what overcoming U.S. hostility towards the DPRK might mean in the context of a comprehensive security settlement in Northeast Asia.

Design/Methodology/Approach—This paper is the only empirical and detailed examination of this issue of reducing hostility which is central to future U.S.–DPRK dialogue.

Findings—The DPRK has sought a relationship with the United States to balance other powers since the end of the Cold War. By closely examining the March 31, 2012, Ministry of Foreign Affairs statement concerning U.S.–DPRK hostility it can be understood concretely what the DPRK means by peace regime, peace treaty, and ending the Korean Armistice Agreement.

Practical Implications—Suggests a starting point for a comprehensive security settlement as it relates to the DPRK. A set of initial steps that can be taken to reduce U.S.–DPRK hostility is outlined. Relates the discussion of comprehensive security

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settlement and reduction of U.S.–DPRK hostility back to the regional geostrategic situation.

Findings—Unless the leaders of both parties move toward a comprehensive strategy and look beyond narrow calculations of strategic options based only on a realist worldview, neither will be able to start a peace process that ends bilateral hostility.

Key words: armistice, hostility, North Korea, nuclear weapons, peace treaty, United States

Introduction

“Koreans have a saying: ‘Sword to sword: Rice cake to rice cake.’ It is time to throw away the sword and hold up the rice cake.”

Thus explained Kim Yong Sun what the DPRK sought from the United States in Pyongyang in 1993.² At the time, he was head of the International Affairs Department of the Korean Workers’ Party, and a key player in North Korean nuclear strategy. Kim continued:

The history of nations, as I have told you before, is one of making friends which later become hostile. Now is the time for the U.S. to make a change in our direction. Regardless of the political system and ideas in the U.S., the latter doesn’t matter in relations between countries. Perhaps I am too optimistic, that if we deal with these issues in a positive way, that one day our relations with the U.S. will be even better than it has with Britain or France. But it is very important that the U.S. should start to trust us. If they can trust Britain and France, why not North Korea. Perhaps the first and foremost way to establish trust and to ease distrust would be a dialogue.

Kim was the first North Korean official to meet a senior American official (then Under Secretary of State Arnold Kanter) since the Korean War, in 1992 in New York. Kanter was very skeptical of Kim’s overture to establish better relations between the DPRK and characterized his attempts to align with the United States and even agree to U.S. forces remaining in the DPRK as a buttress against Japanese militarism as “less here than meets the eye.”³

However, this wasn’t a line that was idiosyncratic to Kim Yong Sun. As Bob Carlin, present at many high-level U.S.–DPRK meetings from 1993 onwards, and John Lewis, one of few Americans with good working relations with the DPRK, explained in 2007, the DPRK’s “desire for a long-term, strategic relationship with the United States has nothing to do with ideology or political philosophy.” Rather, they assert, “It is a cold, hard calculation based on history and the realities of geopolitics as perceived in Pyongyang. The North Koreans believe in their gut that they must buffer the heavy influence their neighbors already have, or could soon gain, over their small, weak country.”⁴

In Kim’s realist worldview, the hostility or otherwise of states is epiphenomenal.

What counts, as Stalin famously said of the Pope, is how many divisions one has. Or, as one North Korean analyst wrote, “History shows that the interests of small countries are infringed upon and that they fall victim whenever world powers struggle to extend their spheres of influence.”⁵

It is not surprising given the DPRK’s structural location and post-Cold War circumstances that it would seek to change U.S. policy. Assuredly aligning the DPRK with a distant great power such as the United States would be preferable to dependency on one next door, especially a great power that exercised suzerainty over Korea in the past (China) or worse still, occupied Korea as an imperial, colonizing power (Japan).

The painful history of U.S.–DPRK relations 1991 will not be covered here. Suffice it to say, both parties sought not so much to deter each other from renewal of war in Korea, for which purpose conventional military forces on both sides of the were sufficient. Rather, each sought to compel change in the other’s strategies and policies in fundamental ways.⁶ Unsurprisingly, both failed. Threat-based extortion almost always leads to bad outcomes. When two sides use threat to coerce each other into compliance, failure is almost guaranteed. This research essay focuses instead on what overcoming U.S. hostility might mean to the DPRK in a cooperative security framework, specifically, by reading carefully what the DPRK has said at various conjunctures.

What Does Ending U.S. Hostility Mean to the DPRK?

The meaning of this simple phrase is unclear—not least because it has primarily had a context-dependent tactical meaning. Nonetheless, it has figured prominently in various milestone agreements. In an important DPRK Ministry of Foreign Affairs statement “DPRK Terms U.S. Hostile Policy Main Obstacle in Resolving Nuclear Issue,” issued on August 31, 2012 (hereafter MOFA 2012 Statement), it spelled out no less than nine distinct elements or meanings of this phrase.⁷

At the symbolic level of “words for words,” this statement highlighted six milestone declarations with reference to “U.S. hostile policy.” These are:

- DPRK–U.S. Joint Statement, June 11, 1993
- DPRK–U.S. Agreed Framework, October 21, 1994
- DPRK–U.S. Joint Communique, October 12, 2000
- Joint Statement of the Six-Party Talks, September 19, 2005
- Six-Party Talks Agreements, February 13 and October 3, 2007
- Feb 29, 2012 Leap Year statement

The MOFA 2012 Statement emphasizes that to the DPRK, U.S. hostility predates and is itself the *root cause* of nuclear issue and remains the *main obstacle* to solving the nuclear issue. Therefore, how DPRK formulated the term hostility in these statements that it signed at very distant different times with different geo-strategic contexts merits examination.⁸

DPRK–U.S. Joint Statement, June 11, 1993

Although referred to in the MOFA 2012 Statement (“At the beginning of DPRK–U.S. bilateral talks held during the Clinton administration, the U.S. pledged on “assurances against the threat and use of force, including nuclear weapons.”), this 1993 text did not use the phrase hostility or non-hostility at all. It *did* refer to discussions “with a view to a fundamental solution of the nuclear issue on the Korean Peninsula” which meant addressing DPRK security concerns (it also referred to a narrower frame of reference, “nuclear nonproliferation goals,” which primarily meant U.S. security concerns).⁹

Arguably, derivative elements of non-hostility were referred to, viz:

- assurances against the threat and use of force, including nuclear weapons;
- peace and security in a nuclear-free Korean Peninsula, including impartial application of full-scope safe-guards, mutual respect for each other’s sovereignty, and non-interference in each other’s internal affairs; and support for the peaceful reunification of Korea.

Are these texts evidence that non-hostility was an issue for either side in the June 1993 statement?

In fact, the June 1993 statement was drafted by the American side over a few hours after side talks involving an American and North Korean official. During the talks, North Korean negotiator Kang Sok Ju proposed that if the U.S. were to stop threatening North Korea, then the DPRK would commit itself to never make nuclear weapons, and later in the discussions, if the United States agreed to “not strangle” the DPRK or pose nuclear threat, the DPRK would pledge to never make nuclear weapons but instead of returning to the Non Proliferation Treaty, would implement the dormant Korean Denuclearization Declaration which would form basis for a regional NWFZ, thereby curbing Japan’s nuclear weapons acquisition.

To the American side, the main purpose of the 1993 joint statement was to get the DPRK to suspend its NPT withdrawal. The rest of the text was taken from previous statements or agreements that the United States had already signed. The primary North Korean objective was to get a joint statement, which Kim Yong Sun had failed to obtain eighteen months earlier from his meeting with Arnold Kanter.¹⁰ Indeed, the American side speculated that the whole exercise may have for Kim Yong Sun to recover from this failure and be appointed special envoy to the United States.¹¹

Thus, there appears to be little basis to the MOFA 2012 Statement that the June 1993 Joint Statement was an important milestone in a U.S. commitment to “non-hostility.”

DPRK–U.S. Agreed Framework, October 21, 1994

The DPRK MOFA 2012 Statement cited only from this 1994 agreement that the “U.S. agreed to “move towards full normalization of the political and economic rela-

tions” with the DPRK.” However, the full text reveals a broader scope of meaning at that time.

“Full normalization of the political and economic relations” was actually the title of part II of the statement.¹² This section referred to reduction in trade and investment barriers including on telecommunication services and financial transactions (both of which were unilaterally sanctioned at the time by the United States and effectively banning, for example, telephone calls to Pyongyang from the United States. This section also called on each to open a liaison office in each other’s capital after resolving consular and other issues (the DPRK later abandoned this element); and “as progress is made on issues of concern to each side,” the DPRK and the United States would upgrade bilateral relations to ambassadorial level.

At the time, the DPRK also supported section III, a set of joint measures whereby “Both sides will work together for peace and security on a nuclear-free Korean Peninsula.” These included a formal U.S. assurance that it would not use or threaten to use nuclear weapons against the DPRK; the DPRK would take consistent steps to implement the inter-Korean Joint Declaration on the DeNuclearization of the Korean Peninsula and to engage in north-south dialogue.

The last element was concession to Seoul at the time by Washington. Section IV dealt with non-proliferation steps taken to “strengthen the international nuclear non-proliferation regime,” a primarily American agenda.

By late 1994, therefore, the DPRK had signed onto an expansive notion of necessary steps to restructure the U.S.–DPRK relationship so as to ease its geostrategic isolation, including diplomatic normalization implying cessation of hostilities; but the Agreed Framework did not specifically address the ending of hostility. Between the June 1993 and October 1994 agreements, hostility had nearly boiled over—including North Korean threats to reduce Seoul to a “sea of fire,” and the May-June 1994 crisis arising from the DPRK’s withdrawal of fuel rods from the Yongbyon reactor, eviction of IAEA inspectors, the free fall toward war in June, and Jimmy Carter’s meeting with Kim Il Sung in July, all of which demonstrated extraordinary hostility and use of nuclear and military leverage, not actions designed to build trust and friendship to replace hostility.

Thus, rather than seeking “non-hostility” as a strategic goal in the 1993–2000 period as asserted by the MOFA 2012 Statement, the DPRK tried to engage the United States from 1991 onwards in a strategic realignment as a hedge against great power threats in the immediate neighborhood. Arguably, this strategy explains the DPRK’s tactical moves until the Bush Administration revealed unremitting hostility towards its existence from 2002 onwards.

The MOFA 2012 Statement lumps together these earlier statements which are more accurately termed “tactical non-hostility” demands issued in the course of its small power strategic maneuvering, with later statements. Where it did come up, the meaning of this phrase changed from one context to another, but always revolved around Kim Jong Il’s belief, noted in the MOFA 2012 Statement: “The great leader Comrade Kim Jong Il said on August 4, 1997, that we did not intend to regard the U.S. as the sworn enemy but wished for the normalization of the DPRK–U.S. rela-

tions.” As Bob Carlin noted, “The real imperative was getting traction with Washington, and that could be accomplished almost without reference to the issue of “hostility” except in the most airy, rhetorical sense. That’s one reason we heard almost nothing about replacing the armistice during the core negotiations in those years.”¹³ It also explains why DPRK officials were mightily impressed with former U.S. Defense Secretary Perry’s Korea policy review for President Clinton wherein he concluded that the United States must “deal with the North Korean government as it is, not as we might wish it to be.”¹⁴

DPRK–U.S. Joint Communique, October 12, 2000

The DPRK–U.S. Joint Communique, October 12, 2000, was drafted by the U.S. and was the subject of preparatory talks in March, August and October 2000. It had in fact been in play since late 1999 and tweaked at various talks in New York, with final edits made in Washington at the last moment on the occasion of Marshal Jo Myong Rok of the Korean People’s Army visit to Washington, D.C., and meeting with President Bill Clinton.¹⁵ The Communique¹⁶ explicitly included non-hostility:

Recognizing that improving ties is a natural goal in relations among states and that better relations would benefit both nations in the 21st century while helping ensure peace and security on the Korean Peninsula and in the Asia-Pacific region, the U.S. and the DPRK sides stated that they are prepared to undertake a new direction in their relations. As a crucial first step, the two sides stated that neither government would have hostile intent toward the other and confirmed the commitment of both governments to make every effort in the future to build a new relationship free from past enmity.

It also reaffirmed the same two earlier milestone documents referred to in the MOFA 2012 Statement:

Building on the principles laid out in the June 11, 1993, U.S.–DPRK Joint Statement and reaffirmed in the October 21, 1994, Agreed Framework, the two sides agreed to work to remove mistrust, build mutual confidence, and maintain an atmosphere in which they can deal constructively with issues of central concern. In this regard, the two sides reaffirmed that their relations should be based on the principles of respect for each other’s sovereignty and non-interference in each other’s internal affairs, and noted the value of regular diplomatic contacts, bilaterally and in broader fora.

The Joint Communique was preceded and supplemented by a little known October 6, 2000, Joint U.S.–DPRK Statement on International Terrorism intended to lay the groundwork for removing the DPRK from the U.S. list of states supporting terrorism. This was the first such agreement that lent real content to the notion of a security relationship based on communication and coordination that creates new value by virtue of cooperation.¹⁷

However, far from revealing a DPRK focused on ending hostility, as suggested by Mike Chinoy,¹⁸ it was actually the U.S. side who included the non-hostile intent language in the draft Communique from the outset.¹⁹ Jo’s primary point, contained

in a letter from Kim Jong Il to Clinton, was that the DPRK was willing to trade its nuclear and missile capabilities for a breakthrough in relations leading to a normalization of relations and a re-ordering of strategic relationships. These points were reinforced by U.S. Secretary of State Madeleine Allbright's visit to Pyongyang in November 2001 and dialogue with Kim Jong Il on ending missile tests, increasing transparency on nuclear sites, and normalizing relations.

Joint Statement of the Six-Party Talks, September 19, 2005

When the Bush Administration took office, the DPRK continued to probe whether the Joint Communiqué was still binding and led to the DPRK adopting “non-hostility” as a chief demand—precisely because they sensed the deep and fundamental antipathy to the core values of their political and social system by American leaders. This trend culminated in one exchange at Round Two of the Six-Party Talks in 2004 when the DPRK Chief delegate Kim Kye Gwan asked U.S. lead negotiator James Kelly if the United States would give up its hostile policy towards the DPRK if the DPRK accepted the U.S. formula of complete, verifiable, and irreversible dismantlement (CVID) of nuclear weapons. When Kelly gave no clear response, Kim declared that CVID is “a humiliation to the DPRK. We won't accept this at all.”²⁰

The DPRK MOFA 2012 Statement highlights that the 2005 Joint Statement affirmed that the United States has “no intention to attack or invade the DPRK with nuclear or conventional weapons.” (It also affirmed “that it has no nuclear weapons on the Korean Peninsula” in the same sentence—a unique instance of the United States not adhering to its neither-confirm-nor-deny policy on the absence or presence of nuclear weapons.) A propos the earlier language, the DPRK and the United States also “undertook to respect each other's sovereignty, exist peacefully together, and take steps to normalize their relations subject to their respective bilateral policies”—without reference to hostile or non-hostile intent *per se*.

The “directly related parties” (some subset of the signatories to the Korean Armistice plus the ROK) also undertook to “negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum.” All six parties also “agreed to explore ways and means for promoting security cooperation in Northeast Asia”—in reality, the necessary institutional framework to affect major change in the hostile U.S.–DPRK relationship envisioned by the DPRK at the outset of its nuclear breakout.

Importantly, the parties also agreed to “take coordinated steps to implement the aforementioned consensus” in phases in line with the principle of “commitment for commitment, action for action”—an approach the MOFA 2012 Statement disavowed as having failed fundamentally.

Until the September 19, 2005, Joint Statement, the Bush Administration refused to reiterate the Joint Communiqué mutual non-hostility language. Unlike the 2000 Joint Communiqué, the September 19 2005 Joint Statement was drafted mostly by Chinese and due to the irreconcilable U.S. and DPRK positions, was reduced to striving for agreement on principles, not actions. The U.S. lead envoy Christopher

Hill immediately effectively reneged on any U.S. commitment in his statement at the end of the meeting, and the U.S. Treasury's Banco Delta Asia attack on the DPRK's financial networks the next day reinforced the clear continued American hostility towards the DPRK.

Six-Party Talks Agreements, February 13 and October 3, 2007

The MOFA 2012 Statement also cited the February 13 and October 3, 2007, Six-Party Talks Agreements as committing the U.S. to improve relations with the DPRK and move toward full diplomatic relations.²¹ Unmentioned was that the United States was also to start removing the DPRK as a designated state-sponsor of terrorism and terminating application of the Trading with the Enemy Act in relation to the DPRK. The latter in particular was aimed at realizing "no hostile intent" from the DPRK perspective. The six parties also reaffirmed that they will take positive steps towards mutual trust building, and will co-operate for lasting peace and stability in Northeast Asia" and the "directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum," both long-standing DPRK objectives for ending U.S. hostility towards the DPRK.

February 29, 2012, Leap Year Statement

This agreement does not have a signed joint text and fell apart almost as soon as it reportedly was struck in Beijing on February 29, 2012. The U.S. and DPRK understandings in Beijing had enough overlap for each party to apparently believe that the other understood what was and was not included.

The United States published an official release on the February 23–24, 2012, talks²² summarizing its view of the key talking points. This list included not only steps to be taken regarding nuclear and missile activities in the DPRK, but also headlined the issue of no-hostile intent while referring to the September 19, 2005, Joint Statement and underscored the 1953 Armistice Agreement's importance "as the cornerstone of peace and stability on the Korean Peninsula.

For the first time in a bilateral statement since the 2000 Communique, the United States added a positive note with somewhat tortuous language, stating that sufficient mutual respect and equality exists in the bilateral relationship for the United States to be "prepared to take steps" to improve the bilateral relationship:

- The United States reaffirms that it does not have hostile intent toward the DPRK and is prepared to take steps to improve our bilateral relationship in the spirit of mutual respect for sovereignty and equality.
- The United States reaffirms its commitment to the September 19, 2005, Joint Statement.
- The United States recognizes the 1953 Armistice Agreement as the cornerstone of peace and stability on the Korean Peninsula.

In contrast, the DPRK announcement²³ cites the Six-Party Talks September 19, 2005, Joint Statement as well as the Armistice and the conclusion of a Peace Treaty; and explicitly refers to non-hostility as a key element of the February 29, 2012, statement: “The U.S. reaffirmed that it no longer has hostile intent toward the DPRK and that it is prepared to take steps to improve the bilateral relations in the spirit of mutual respect for sovereignty and equality.” The DPRK text mentions the non-proliferation points almost as an afterthought, included at the United States’ request, showing DPRK magnanimity in agreeing to include them.

However, the opacity of this agreement’s negotiating record of and lack of a joint text gives no way to ascertain the extent to which this agreement embodied non-hostility concerns of either the DPRK or the U.S. The subsequent acrimony suggests that whatever actual shared understanding existed at the face-face meeting was based on misunderstanding, bad faith, or both, and does not demonstrate or controvert the MOFA 2012 Statement of U.S. commitment to non-hostility in this agreement.

Re-Reading the MOFA 2012 Statement

By 2010, the DPRK was clearly revising its fundamental strategy for dealing with great powers, especially the United States. Thus, after a lull in DPRK nuclear threat projection for most of 2008, in 2009 the DPRK Ministry of Foreign Affairs declared flatly: “It is the reality on the Korean Peninsula that we can live without normalizing the relations with the U.S. but not without nuclear deterrent.”²⁴ To ensure that everyone understood this reversal of past strategy’s significance, the DPRK explained that: “Though [sic; even if] the bilateral relations are normalized in a diplomatic manner, the DPRK’s status as a nuclear weapons state will remain unchanged as long as it is exposed even to the slightest U.S. nuclear threat.” This signaled an end to the primary target of DPRK nuclear coercive strategy for the entire period from 1989 to 2008, wherein the DPRK attempted to compel the United States to change its policy towards the DPRK as a geostrategic hedge against Chinese, Japanese and Russian great power. A hurricane of opportunistic nuclear and conventional threats followed from the DPRK towards the ROK and the United States, including the 2010 covert sinking of the ROK warship *Cheonan*, the 2010 Yeonpyeong island shelling, the 2009 and 2012 long-range rocket launches, the 2009 second and 2013 third nuclear tests, and an extraordinary March–May 2013 nuclear threat campaign.

In 2012, North Korean officials stated privately that they were reviewing their United States policy and if U.S. hostility did not change, they would commit to nuclear self-reliance instead. In effect, the August MOFA 2012 Statement resulted from this review which came fully into effect in 2013. It was also a response to U.S. insistence that the DPRK must take unilateral pre-steps before the United States would resume talks whereas the DPRK viewed the failure of the February 29 2012 agreement as clear evidence that simultaneity did not work and therefore, the United States must first end its hostility towards the DPRK.

At the height of the March nuclear confrontation in Korea, the DPRK National Defense Commission statement explained that the DPRK's nuclear capacities were no longer available as part of a tradeoff with the United States to change the DPRK's geostrategic circumstances:

The nuclear force of the DPRK will always remain in the hands of its army and people as the most powerful means to protect the sovereignty of the country and its supreme interests and deal a retaliatory blow at the strongholds of aggression against it till the world including the U.S. is denuclearized.²⁵

As the March–April confrontation wound down, the DPRK National Defence Commission reiterated on June 6, 2013²⁶:

The denuclearization of the Korean Peninsula does not only mean “dismantling the nuclear weapons of the north.” It is the complete one that calls for denuclearizing the whole peninsula including South Korea and aims at totally ending the U.S. nuclear threats to the DPRK.

As for the possession of nuclear weapons by the DPRK, it is the strategic option taken by the DPRK for self-defence to denuclearize the Korean Peninsula.

The legitimate status of the DPRK as a nuclear weapons state will go on and on without vacillation whether others recognize it or not until the whole Korean Peninsula is denuclearized and the nuclear threats from outside are put to a final end.

It followed with proposals for “broad and in-depth discussions on defusing military tensions, replacing the armistice system with peace mechanism and other issues of mutual concern including the building of a “world without nuclear weapons” proposed by the U.S.” Here, there is no mention of non-hostility or building a U.S.–DPRK constructive relationship. Hints in this and subsequent DPRK statements that reiterate a desire to engage with the United States to end nuclear threat and its current (August–September 2014) diplomatic campaign to resume talks without preconditions appear more tactical than strategic in nature, and aimed as much at China as at the United States.

In short, by the end of phase 2, the DPRK has abandoned the goal of overcoming U.S. hostility as a hopeless cause. Rather than revert to the phase 1 (1991–2002) goal of realizing a new geo-strategic relationships with the United States, the DPRK has settled on a new course of self-reliance based on the combination of nuclear and conventional military threat, and a renewed focus on domestic economic recovery.

Fundamentally, a non-hostile relationship would be built on productive, sincere, and “authentic” dialogue between U.S. and North Korean interlocutors; it would be created by the United States and the DPRK taking defined, sequential, and interdependent (mutually contingent in some manner) steps aimed at improving confidence, and leading to concrete actions that end hostility in its current forms and establish foundations for dialogue, confidence building, trust formation, and ever growing communication, coordination, and collaboration on security concerns. The DPRK has articulated at least fourteen themes over two decades as deserving of leadership-level symbolic commitment, dialogue with the United States, and actions by DPRK agencies of state. These represent a precedent-based repertoire for lending

content to talks on a new geo-strategic approach, this time focused not on a new geostrategic relationship or overcoming hostility, but on establishing the foundations of comprehensive security in Northeast Asia, including the DPRK. These are:

- Normalization of political, diplomatic, and economic relations in the region
- Ending the Korean armistice
- Realizing a peace treaty between the parties to the Korean war
- Creating a permanent peace regime on the Korean peninsula
- Supporting peaceful reunification of Korea
- Joint efforts for lasting peace and stability in Northeast Asia
- Removal of the DPRK from U.S. list of states that sponsor terrorism and resulting sanctions, or advancing towards such removal (today, follow-on related items under U.S. and international law)
- U.S. commitment to not use or threaten to use nuclear (and conventional) weapons against the DPRK
- Support for DPRK space access and launch services
- Mutual respect for the sovereignty and non-interference in internal political and other affairs
- Cooperation on shared insecurity such as the risk of terrorism
- Removal of U.S. and since 2006, multilateral “U.S.-led” sanctions against the DPRK, both those aimed at de-legitimizing the DPRK leadership (ban on provision of luxury goods to the DPRK), as well as sanctions on dual use WMD related items and on named North Korean individuals and firms.
- Provision of food and energy aid on a humanitarian basis by the United States or other parties; and DPRK humanitarian steps such as enabling U.S. Missing-in-Action Joint Recovery Teams to operate in the DPRK from 1996 to 2005, and release of arrested Americans in the DPRK.
- Reduction of exercises near or in the Korean Peninsula involving the U.S. and its allies

Until 2012, the DPRK sought concrete outcomes for these broad elements, in different combinations, but always based on the principle of “commitment for commitment, action for action”—a principle formally recognized in the 2005 Joint Statement.

Since 2012, everything has changed and nothing has changed. The MOFA 2012 Statement averred that it no longer adheres to this simultaneity principle, but instead requires a unilateral U.S. shift that accommodates the DPRK’s security requirements. Until this shift occurs, the supreme National Defence Commission declared bluntly that the DPRK will rely instead on its nuclear weapons to fill its security deficit. In reality, however, the DPRK is obliged to resume strategic maneuvering and to try to reduce U.S. hostility, at least tactically, and the simultaneity principle will likely be the basis for any such activity leading to actual agreements in the context of creation of a regional comprehensive security settlement.

Variations on the DPRK's Non-Hostility Themes

Each of these thirteen broad themes has one or other concrete action or embodiment that may be salient to the creation of a comprehensive security settlement. We will not review all these themes in this essay and refer the reader to an expanded analysis.²⁷ Here, we address in greater depth the implementation of one necessary element, the ending of the Korean Armistice and the key related themes, ending nuclear threat and the issue of a peace regime or peace treaty.

Ending the Threat of Nuclear Attack or Pre-Emptive Nuclear Strike

Herein there will not be an extended treatment of the DPRK's external threat perception as it relates to nuclear attack. Suffice it to say that for historical reasons as well as intended threat perceptions created by U.S. nuclear forces attempting to deter possible DPRK conventional, chemical, and now nuclear attack, the DPRK's leadership and population are highly sensitized to this threat, and aware of their relative vulnerability in spite of constructing a vast, subterranean North Korea to shelter from nuclear annihilation.²⁸

The DPRK has proposed Korean and regional nuclear weapons free zones since the mid-eighties; and signed the 1992 Denuclearization Declaration (which was never implemented in a meaningful way, although it arguably remains in force). It also demands legally binding negative security assurances or guarantee of non-attack by the United States. The only way to achieve such a commitment is via a Nuclear Weapons Free Zone (NWFZ) treaty. There are various pathways by which this outcome could be achieved by the DPRK working in cooperation with the other five parties to the Korean conflict, and possibly also involving Mongolia and the other NPT Nuclear Weapons States.

Moreover, such an institutional approach would create security benefits not just for the DPRK, but also for the ROK, Japan, and Taiwan as non-nuclear states or territories; and for the regional nuclear weapons states (i.e., reducing Chinese fears of Japanese nuclear proliferation, or ROK and Japanese fears of Chinese nuclear attack). Thus, a regional NWFZ is an attractive institutional option for reducing hostility between the United States and the DPRK, and could come into existence very quickly once fundamental political choices are made in Washington, Beijing, and Pyongyang. Therefore, it is one of the six essential elements of a regional comprehensive security settlement that could reverse the DPRK's nuclear breakout and reduce the risk of war and nuclear war.

Ending the Armistice

The source of DPRK/U.S. hostility is the suspended war in Korea. The 1953 Armistice Agreement between the three military signatories is the basis for the truce.

The Armistice created a set of political, institutional, and spatial arrangements that are not easily changed, let alone abolished or superseded. Including post-Armistice Agreement amendments, the Armistice mechanisms include:

- The Military Demarcation Line (MDL) separating North and South Korea marked by white posts;
- The Demilitarized Zone (DMZ) 2 km north and 2 km south of the MDL from east to west coast of Korea. Coastal offshore islands were allotted to the respective sides except for those immediately off the west coast and north of the DMZ which remained under UNC;
- The Military Armistice Commission (MAC in Panmunjom to investigate and resolve violations of the Armistice in the DMZ, to manage crossings of the MDL, to manage repatriation of prisoners and nationals (no longer); to manage return of remains; and oversee transport corridor operations that traverse the DMZ;
- The Neutral Nations Supervisory Commission (NNSC), members being Poland, Czechoslovakia (for the DPRK); and Sweden, Switzerland (for the ROK) to investigate violations of the armistice outside of the DMZ, including prohibited arms imports;
- The Joint Security Area (JSA) within the DMZ, encompassing Panmunjom and the MAC headquarters, according to an “Agreement on Military Armistice Headquarters Area, Its Security, and Constitution,” In September 1976, the MAC and North Korea negotiated an amending agreement of Sept. 6, 1976, which provided that: (a) personnel assigned to the MAC and the NNSC would continue to have access to the entire JSA; and (b) security personnel of either side must remain on their side of the Military Demarcation Line within the JSA.²⁹

Until the underlying conflicts between the United States and the DPRK—most importantly, the DPRK’s reconciliation and rapprochement with the ROK on an enduring and irreversible basis occurs, the necessary conditions for ending the Armistice do not exist.

Although the DPRK has threatened to withdrawal and in fact declared on March 5, 2013, that the Armistice Agreement is null and void, and announced that it has withdrawn all cooperation with the “Panmunjom mission,”³⁰ in fact there is no international law basis for one belligerent to exit the Korean Armistice. As the Armistice Agreement set no fixed duration during which belligerence is suspended, and was arguably intended to indefinitely suspend fighting until a political settlement was achieved, then no resumption of fighting is allowed, even with proper notification.³¹ It is fairly obvious that attempts by the DPRK to withdraw unilaterally from the Armistice will increase or at least not decrease hostility with the United States. In 1992, as Norton notes,

the two Koreas entered into an “Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation between the North and South,” in which they agreed, inter alia, to “endeavor together to transform the present state of

armistice into a solid state of peace between the South and the North and [that they would] abide by the present Military Armistice Agreement until such a state of peace has been realized.” This undertaking was reaffirmed in a Protocol entered into in September 1992. Less than two years later, however, the DPRK repudiated its commitments to the ROK and reverted to its position that the Armistice should be replaced by a peace treaty between the DPRK and the United States alone. The DPRK also, in violation of the Armistice Agreement, withdrew its delegates from the Military Armistice Commission and reportedly blocked Poland from entering the DPRK (1993) and pressured Poland to withdraw (1995) from the Neutral Nations Supervisory Commission, leaving those two institutional remnants of the Armistice Agreement all but defunct.³²

There is no requirement under international law for the parties to end the Armistice with any legally binding agreement such as a bilateral peace treaty. The warring parties can simply decide to end the war, and declare such is the case, and then substitute another legal regime to manage the territory designated as demilitarized by the Armistice Agreement; terminate or revive in another form the Military Armistice Commission and its Joint Observer Teams; and terminate or revive in another form the Neutral Nations Supervisory Commission and its Neutral Nations Inspection Teams (currently moribund with no prospect of revival) to monitor and verify the reconfiguration and redeployment of DPRK, ROK and U.S. military forces in Korea that would accompany such declaration. The minimum requirement of the replacement agreement and its supporting organizations is that it must terminate armed conflict and maintain the peace in Korea. The most basic starting point in this regard is international law and the Armistice which created the Military Armistice Commission (MAC) and the Neutral Nations Supervisory Commission (NNSC).³³

The United States was designated to create a unified command by the UN Security Council and in that capacity, created the United Nations Command (UNC) to prosecute the war. The then UN Commander signed the Armistice Agreement as commander of U.S. forces, allied forces, and ROK forces, all of whom were operationally under his command at the time. It is legally clear that his commitment to the Armistice Agreement committed the United States and its allies and the ROK, as sovereign states, to observe the terms of the Armistice Agreement, and that they were all then belligerent states, and remain so today.

Today, therefore, the U.S. Joint Chiefs of Staff subject to oversight by national political authority must determine exactly what would happen in such circumstances to the UN Command, as this command reports directly to the UN Security Council but has an irrevocable mandate to operate a “unified command” from the Council issued in 1950. UN Command might be dismantled altogether or transformed into a UN Security Council mandated peacekeeping force including non-Korean contributors in a militarily meaningful manner (unlike the token forces allied to UN Command today); or a reconstituted MAC could be replaced by a Korean Military Commission operating with expanded powers beyond those defined in 1992. (This latter approach assumes that the United States passes operational control to the ROK military, but does not preclude the continuing alliance and local presence of

U.S. forces in Korea, a presence that not only Chinese and South Koreans may find reassuring, but also may stabilize inter-Korean relations in the view of many North Koreans). What is critical in such a transition is that the staff and UNC-KPA interaction and hotline be sustained at all times.

Peace Treaty

The notion of a hostilities terminating peace treaty ending the Armistice, whether it is simply an inter-Korean treaty, or a three or four party treaty signed by the primarily belligerents, is alluringly simple. But as Robert Bedeski concludes, “[T]he international context of a proposed treaty is much more complex than the simple bilateral relations between the U.S. and “North Korea, and requires a broad diplomatic effort in multilateralism.”³⁴

The DPRK approach has varied over time in terms of proposing a U.S.–DPRK peace treaty, attempting to force an end to the Armistice, constructing a replacement North–South military commission that would substitute the functions of the Military Armistice Commission, etc. In April 1994, the DPRK proposed to replace the Armistice with a new peace mechanism, withdrew its members from the MAC, and setup what it called the Panmunjom Mission of the Korean People’s Army. The Chinese Government withdrew its “voluntary” army representatives from Panmunjom in December 1994, and the NNSC members (Czechoslovakia and Poland) on the northern side of the DMZ were evicted. In February 1996, the DPRK proposed a DPRK–U.S. joint military body to replace the MAC and as the channel for inter-military discussions to manage the MDL and the DMZ, to determine how to settle armed conflicts or accidents, the formation of a joint military body, etc., to replace the Armistice Agreement until a complete “peace agreement” was concluded. When examined closely, each of these proposals had a tactical content but no underlying strategic logic that addressed the fundamental geo-strategic and underlying conflict dynamics that endure in the Korean Peninsula.

These are first and foremost that the Korean conflict is undeniably inter-Korean which continues today just as the Korean War itself was simultaneously internationalized by the great powers who first divided, then fought in Korea in the midst of a Korean civil war. Until both Koreas are willing and able to coexist and recognize the legitimacy and sovereignty each other, the civil dimension to the Korean conflict will remain the primary driver of all the other geo-strategic outcomes that bear on U.S.–DPRK hostility. The various inter-Korean agreements notwithstanding—the July 4, 1972, Joint North-South Statement, the December 1991 Agreement on Reconciliation, Non-aggression, and Exchanges and Cooperation (Basic Agreement), and the February 1992 Joint Declaration of De-Nuclearization of the Korean Peninsula—neither Korea trusts the other in the slightest today; and both Koreas believe that the other is destined to disappear, eventually, in a reunification on their own terms.³⁵ Whatever the judgment of outsiders regarding the eventual outcome and endgame in this standoff, it remains that neither Korea is willing to live and let the other live undisturbed by military threat.

Thus, to propose ending the Armistice and to substitute some other management mechanism to undertake exactly the same tasks to manage the demarcation line, the peaceful uses of the Demilitarized Zone (including its demining), and related military-military issues such as notification of major military units, military exercises, let alone the broader issues of arms monitoring and verification envisioned in the original Armistice and the much needed phased reduction of armaments and critical to any new management regime, is disconnected from military and political reality. Claims by some pro-North Korean writers that a U.S.–DPRK peace treaty suddenly will usher in a new period of inter-Korean cooperation including creation of a confederal political system, a small confederal army, a Korean nuclear weapons-free zone, and an ongoing presence of U.S. Forces Korea as a peacekeeping force, are unpersuasive.³⁶ The underlying assumption in the DPRK's position is that a DPRK–USA normalization and peace treaty will set the stage for Seoul to reclaim its full independence vis-à-vis Washington, and that Seoul will become more aligned with the DPRK as a result.³⁷

Similarly, a bilateral U.S.–DPRK Peace Treaty, already vanishingly small given the political polarization of the U.S. Senate in the 21st century, before implementing fully the North-South Basic Agreement including the mechanisms envisioned in its military commission such as troop redeployment and demobilization, etc., is legally and politically fantastic. DPRK proposals from the mid-nineties onwards³⁸ that insist on a bilateral peace treaty and cut out the ROK as a legitimate party to an agreement to end the Armistice are unfounded in legal and military reality, and are politically fantastic. DPRK proponents of this position usually fail to recognize that if one accepts that the ROK is not party to the Armistice Agreement, it is also not bound by its terms, directly, or via the operational control of the UN Commander—which is absurd. Far from creating the conditions needed to reduce hostility, such proposals are viewed as offered in self-serving bad faith by the United States and the ROK, and inevitably will be rejected if repeated—especially given that the fundamental ratios of national power have turned irreversibly against the DPRK.³⁹

Peace Regime

The third linked element is the creation of a peace regime. A peace regime is much more than negative security, that is, the management of conflict and the avoidance of war. It implies the construction of peace, and the establishment of the pre-conditions for peace. In a civil war as well as international wars, the foundations of peace must be built bottom-up, person-by-person, at the community level, and at the level of the top leaderships. The sequencing may vary, but trust cannot be established *in vacuo*. It arises from intense communication, coordination, and collaboration, in increasing levels of intensity and difficulty in what is best described as a *peace process*. When terrible acts of war inform historical memory and divide surviving combatants and descendants, some measure of contrition and acceptance of mutual responsibility for the past, and a reconciliation process grounded in the present, are needed for peace to break out.

Both Koreas have attempted to start of rapprochement and reconciliation envisioned in the Basic Agreement at various times, and at various levels—including the top leadership (especially the June 2000 presidential summit but also on occasions such as funeral delegations), central organs of state (for example, unification and security agencies at various times), provincial government and inter-city cultural and economic exchanges, humanitarian exchanges (such as family reunion events), line agencies (for example, on running the Kaesong Industrial Zone), private investors and traders, universities (Pyongyang University of Science and Technology), and even civil society (for example, The Buddhist Sharing Movement). Significant, tangible progress has been made, perhaps most importantly at the Kaesong Industrial Region but also in small ways by organizations such as the Coal Sharing Movement. Compared with two decades ago, relations between the ROK and DPRK are multifarious, multidimensional, and multilevel. However, they are easily disrupted and blocked by political and ideological moves of the DPRK or the ROK governments.

Because the war and division of Korea were international, outside players also bear significant obligations to build peace in conjunction with both Koreas. Many American, Canadian, European, and Asian organizations have worked with North and South Korean counterparts, especially to create the learning and engagement capacity needed for the North to utilize available training opportunities in and outside of the DPRK on diverse topics such as health care, energy supplies, etc. They have also played a leading role in provision of humanitarian assistance to starving and sick North Koreans.

In the process of building positive peace, the DPRK has few resources to offer to the ROK or external players. Most important are provision of information and access. Unsurprisingly, the DPRK has withheld both information and access except to those working in the DPRK with a specific rationale for such, and even then, in a highly calibrated, and often stop-start manner. However, in some key areas, the DPRK has begun to contribute to international public goods, for example, by providing nationals to become international civil servants in the International Federation of the Red Cross working in conflict or disaster areas around the world; working with international agencies on potential pandemics such as SARS; and working with U.S. partners to contain drug-resistant tuberculosis.

To advance a peace treaty that ends the Korean War and to end the Korean Armistice and replace it with a new military management entity with monitoring, verification, and enforcement powers entails a massive increase in North-South confidence-building and actual rapprochement. At this time, neither Korea is willing to make the necessary compromises, nor abandon aspirations to emerge as the reunification victor that vanquishes the other for all time, that would create a peace regime anchored in social, cultural, and economic reality in both Koreas.

Meanwhile, the Armistice Agreement continues to define the fragile peace in Korea. Although they have shredded its formal institutional form, North Koreans will sometimes admit that it still rules the peace in spite of this. Although the DPRK has declared it dead and withdrew its representatives from the MAC two decades

ago, it has continued to use the MAC via the fiction of portraying its attendance as participation in an “interim” entity pursuant to its goal of replacing the Armistice with a peace treaty and a new implementation apparatus at the DMZ.

However, if Kim Jong Un opens the DPRK to rapid change, and if the ROK is willing to allow it to take place, then many barriers will be swept away on both sides. Given Kim Jong Un’s age and upbringing, and his declared ambition to make the DPRK a strong, modern, and economically powerful country, such an opening is conceivable, although the probability of such a shift is unknowable and is partly determined by decisions in Seoul and elsewhere that he does not control. Of course, every time the DPRK embarks on a kinetic provocation or rhetorical confrontation, it undermines the political will in the ROK and third parties to support such a process, a classic vicious cycle of blame and recrimination that leaves everyone worse off than the previous cycle.

Conclusion: Reducing Hostility Beyond Realism

As noted earlier, the MOFA 2012 Statement argued that the pivot is intended to keep a U.S. foothold in Eurasia so that it can project power against unspecified great powers, but which the DPRK clearly views to be China. Thus, the DPRK has fallen victim to the exercise of great power, and is maneuvering to survive being crushed between China and the United States. Nowhere does the DPRK articulate a vision for a stable geo-strategic landscape that would provide it with security. Instead, the DPRK seems to be stuck in a small power worldview that assumes that the structure of international relations is defined solely by great powers, and within that structure, by evolving ratios of military power, backed by economic power.

In realist terms, the DPRK has now balanced against the United States by aligning strategically with China to a degree almost incomprehensible only a few years ago. Too small to reshape the strategic environment itself, the DPRK first strove to maneuver strategically and to create space between the great powers that it could then exploit. Facing an obdurate United States and an increasingly irritated China, the DPRK is focused now on the Japanese and Russian options to keep the other powers off-balance. However, in the long-run, neither of these options will suffice to generate the resources for economic recovery, and both will continue to implement sanctions so long as the DPRK pursues nuclear weapons. Boxed in from four directions, the DPRK has only one other strategic angle on which to maneuver—facing south. Currently, it is seeking to dictate the terms of a DPRK-ROK rapprochement, in part to secure resources needed for stability in the North; but also to push the White House to change. When, as seems inevitable today, that strategy fails, the DPRK may revert to threatening the ROK again, including via nuclear war against U.S. forces in Korea.

To the extent that such threats, if acted on, would be suicidal, this tactic is a strategic. It simply underscores that the DPRK is a bankrupt small power lacking a

modern military force and armed solely with crude nuclear devices. The DPRK's nuclear weapons can kill many people and destroy large areas of nature and cities, and maybe with luck hit some opposing military forces. Their primitiveness symbolizes weakness, not strength. The DPRK's nuclear armament encourages its adversaries to isolate, ignore, target, and outlast the DPRK regime, not engage it in any manner. The more the DPRK attempts to translate nuclear threat into political and military advantage, the more this threat devalues itself as it is matched easily, without almost any marginal effort, by the Nuclear Weapons States that surround it—not just from the United States, but, to the extent that the DPRK's nuclear forces project a credible threat outside its borders in all directions, also from Chinese and Russian nuclear forces.

In this view, a small state like DPRK, surrounded by great powers and confronting a middle sized adversary on its southern boundary, can survive only by combining agility with confrontation. Speed creates space for a small power if it can manipulate great powers to collide with each other. Thus, although it is too small to reshape the strategic landscape defined by the great powers, adroit manipulation of these powers combined with acute perception of the opportunities presented by the shifting great power balance in its immediate vicinity presents the opportunity to the DPRK to derive power from the context itself rather than mobilizing its domestic resources to create assets that endow it with political, military, economic, technological or cultural assets as the basis for potential power and influence. Among political scientists who analyze small power strategies to survive great power security threats, this is known as strategic maneuvering.⁴⁰ In addition to accommodating partly great power demands without becoming subservient to any one in particular, this strategy also aims to keep great power adversaries off balance—although the guerrilla ambush effect diminishes with each use. Also, the DPRK uses sheer ferocity to confront great powers or to keep them distant by creating the perception that they may face disproportionate costs if try to coerce the DPRK, leaving the DPRK with an escape route. The DPRK's strategic maneuvering is based on its ability to damage global public goods like the non-proliferation regime, to act as a spoiler state in regional cooperation, to behave as a stalker state in pursuing the United States at various times, but none of these strategies provides it with influence beyond its borders. No one wants to emulate the DPRK; no one relies on the DPRK for support in any manner.

The ROK avoided this small power dilemma by integrating its military into a great power (the United States) and its economy into two great powers, the United States and China. In so doing, South Korea is on favorable terms with North Korea's ally (China) and long-time nemesis (the United States). South Korea also shifted from a small state survival strategy aimed at manipulating the great powers to a middle power “complex, networked foreign policy” based on exploiting its positional and ideational power that exists solely by virtue of its position in the structure of inter-state relations that defines the Korean security dilemma.⁴¹

To date, the DPRK's approach to ending hostility and overcoming its splendid isolation has originated in the realist, small power worldview, reinforced by six

decades of survival using this technique. This approach is obsolete and given the radical shift in its former alliances, the DPRK has only its own dwindling military and already exhausted economic resources to employ in attempting to manipulate great powers. When its greatest power and primary adversary refuses to be drawn into the Six-Party Talks arena, the DPRK has no strategy and is forced to substitute rhetorical aggression and low-level military provocation for the exercise of power. Unlike Britain's splendid isolation during the Napoleonic Wars and subsequent involvement in continental European balancing of power during the Bismarck era, the DPRK is retreating yet again into its borders and away from its dependency on China which it views as a revisionist power that has abandoned revolutionary principle and become a "bad neighbor" that slanders the DPRK.

The DPRK's phase three approach of relying on nuclear weapons as the core of its self-reliance strategy is not only vacuous in power terms; it does nothing to incite the geo-strategic landscape to establish a new set of relationships and foundations for relationships that would actually lead to reduction in hostility; and does nothing to reduce the external restraints imposed by the United States and others that now hinder the massive domestic structural adjustments needed for the DPRK to resume economic growth—Kim Jong Un's ostensible primary goal of *byungjin nosun* (병진노선 / 平行发展), as declared in his 2014 New Year's Speech.⁴²

The DPRK may be right that only a "bold and fundamental change in its cold war mindset to renounce its anachronistic policy toward the DPRK" on the part of the United States can change the current standoff and lead to positive security outcomes. In particular, the pivot policy has lacked a diplomatic engagement dimension commensurate with the military components in relation to China leaving the United States lacking an effective China policy and possibly lacking any comprehensive China policy. But equally, the DPRK appears to lack the conceptual basis for surpassing its traditional reliance on a simplistic realist strategy and the adoption of a constructivist approach that recognizes the need to build norms and contribute to institutionalized communication, cooperation, and collaboration that tied down the great powers in a web of relationships—what one South Korean called the Wolf Spider strategy.⁴³

Finding its niche role in the structure of international affairs that swirl around the Korean Peninsula whereby the DPRK can add value and contribute to joint public goods is the only way to break out of its downward spiral whereby the regime disappears, eventually, into the vortex of mass politics exercised in a traditional, orthodox Korean manner. Ironically, if the DPRK elected to denuclearize in a North-east Asia Nuclear Weapons-Free Zone to obtain the long-sought-after guarantee of non-attack with nuclear weapons by the United States, this framework that would enable creation of security benefits for its neighbors with respect to each other—most importantly, for China and Japan. Thus, in a comprehensive security settlement, it is possible even for the DPRK to build an enduring peace regime not only in Korea, but in the region as a whole.

Surprise is one of the few constants in international affairs. Without a peace process, we can be assured that bad, unpleasant change is a near certainty. With a

peace process, it is conceivable that the U.S.–DPRK engagement will generate unpredictable outcomes, but have a more than even chance of leading via several possible pathways to peace regime in Korea, the end of the Armistice, a new peace mechanism in the region and in Korea, and comprehensive security settlement in the region as a whole. The requirements for establishing a comprehensive security settlement and thereby the preconditions for the pathways to peace in Korea is a larger topic that is addressed elsewhere.⁴⁴ But reading the DPRK’s lips is an essential starting point for building such a settlement.

Notes

1. This paper was delivered originally at the workshop “Denuclearization of Northeast Asia and of the World—Developing a Comprehensive Approach to a Northeast Asia Nuclear Weapon-Free Zone (NEA-NWFZ),” Research Center for Nuclear Weapons Abolition, Nagasaki University, September 15, 2014, Tokyo. Thanks to reviewers Lee Sigal, Bob Carlin, and Roger Cavazos for comments. The author remains responsible for the text. He may be contacted at: peter@nautilus.org.

2. In P. Hayes, “Report on Trip to Pyongyang, May 8–11, 1993,” Nautilus Institute, Berkeley.

3. “My vague, repeat vague, recollection is that Kim [Yong Sun] told me something like it would be or might be possible for there to be a U.S. military presence on the Korean peninsula post-unification. I don’t think that he elaborated on that concept and I don’t think that I undertook to probe it. At the time, and now, it struck me that this comment was made in the context of (a) Kim doing everything possible to get me to have a second meeting with him, preferably in Pyongyang, and (b) something of a tirade by him about “Japanese imperialism,” and the need for the U.S. and North Korea to cooperate to deal with the Japanese “threat”; Given this context, and U.S. objectives for the meeting, I did not pursue the point with him. If I am not mistaken, Kim Jong-il did not reiterate this “offer” in his summit meeting with Kim Dae-jung. Rather, in his meeting with KDJ, he “recalled” what Kim Yong Sun had said to me in 1992. This is one more reason why there may have been less here than meets the eye.” Arnold Kanter, personal communication, September 28, 2005.

4. R. Carlin, J. Lewis, *Negotiating with North Korea: 1992–2007*, Center for International Security and Cooperation, Stanford University, January 2008, p. 21, at: http://iis-db.stanford.edu/pubs/22128/Negotiating_with_North_Korea_1992-2007.pdf

5. Ma Tong Hui, *Reunification of Korea is a Major Security Issue, The North Korean Perspective*, Institute for Security & Development Policy, Stockholm, October 2010, p. 17, at: <http://www.isdp.eu/publications/asia-papers.html?task=showbib&id=5857&return=>

6. J. Wit, D. Poneman, R. Galluci, *The First North Korean Nuclear Crisis, Going Critical* (Washington, D.C.: Brookings Institution, 2004); Patrick Morgan notes that U.S. and the DPRK used nuclear threat primarily for compellence in the 1991–2002 time frame in “Deterrence and System Management: The Case of North Korea,” *Conflict Management and Peace Science*, 23 (2006), pp. 121–138. The DPRK’s nuclear threats from 2008 onwards have been primarily compellent in nature, not deterrent, as documented in the following studies: P. Hayes, S. Bruce, “North Korean Nuclear Nationalism and the Threat of Nuclear War in Korea,” *Pacific Focus* 26 (2011), pp. 65–89, at: <http://onlinelibrary.wiley.com/doi/10.1111/j.1976-5118.2011.01056.x/abstract>; and P. Hayes, R. Cavazos, “North Korean and U.S. Nuclear Threats: Discerning Signals from Noise,” *The Asia-Pacific Journal* 11:14:2 (April 8, 2013) at: <http://japanfocus.org/-Roger-Cavazos/3924#>

7. An expanded version of this essay plus the full text of the Ministry’s August 31, 2012, statement are found in Part III, Attachment 1, of Peter Hayes, “Overcoming U.S.–DPRK Hostility: The Missing Link Between a Northeast Asian Comprehensive Security Settlement and Ending the Korean War,” NAPSNet Special Reports, December 21, 2014, <http://nautilus.org/napsnet/napsnet-special-reports/overcoming-us-dprk-hostility-the-missing-link-between-a-northeast-asian-comprehensive-security-settlement-and-ending-the-korean-war/>.

8. These texts are conveniently appended in Appendix B to Carlin and Lewis, “Texts of

Major Documents,” 2007, *op cit*, pp. 26 *et passim*. All passages cited subsequently may be found in this reference.

9. Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, p. 27.
10. Bob Carlin, personal communication, August 31, 2014
11. J. Wit, D. Poneman, R. Galluci, *The First North Korean Nuclear Crisis*, *op cit*, 2004, p. 64.
12. Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, pp. 28–29.
13. Bob Carlin, personal communication, August 31, 2014.
14. *Review of United States Policy Toward North Korea: Findings and Recommendations; Unclassified Report by Dr. William J. Perry, U.S. North Korea Policy Coordinator and Special Advisor to the President and the Secretary of State*, Washington, D.C., October 12, 1999, in Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, p. 33.
15. Robert Carlin, personal communication, August 20, 2014.
16. Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, p. 43.
17. Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, p. 43.
18. M. Chinoy, “No Hostile Intent: A Look Back at Kim Jong Il’s Dramatic Overture to the Clinton Administration,” *38North* (November 11, 2010) at: http://38north.org/2010/11/jomyongrok_chinoy/
19. Robert Carlin, personal communication, August 13, 2014.
20. Quoted in Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, p. 18.
21. Carlin and Lewis, “Texts of Major Documents,” 2007, *op cit*, p. 48.
22. The text of this statement is found in Part III, Attachment II of Peter Hayes, “Overcoming U.S.–DPRK Hostility: The Missing Link Between a Northeast Asian Comprehensive Security Settlement and Ending the Korean War,” NAPSNet Special Reports, December 21, 2014, <http://nautilus.org/napsnet/napsnet-special-reports/overcoming-us-dprk-hostility-the-missing-link-between-a-northeast-asian-comprehensive-security-settlement-and-ending-the-korean-war/>
23. The text of this statement is found in Part III, Attachment III of Peter Hayes, “Overcoming U.S.–DPRK Hostility: The Missing Link Between a Northeast Asian Comprehensive Security Settlement and Ending the Korean War,” NAPSNet Special Reports, December 21, 2014, <http://nautilus.org/napsnet/napsnet-special-reports/overcoming-us-dprk-hostility-the-missing-link-between-a-northeast-asian-comprehensive-security-settlement-and-ending-the-korean-war/>
24. KCNA, “DPRK Foreign Ministry’s Spokesman Dismisses U.S. Wrong Assertion,” January 17, 2009, at: <http://www.kcna.co.jp/item/2009/200901/news17/20090117-11ee.html> See P. Hayes, S. Bruce, “North Korean Nuclear Nationalism and the Threat of Nuclear War in Korea,” NAPSNet Policy Forum (April 21, 2011) at: <http://nautilus.org/napsnet/napsnet-policy-forum/11-09-hayes-bruce/>
25. KCNA, “PRK NDC Policy Department Issues Statement,” April 18, 2013, at: <http://www.kcna.co.jp/item/2013/201304/news18/20130418-28ee.html>
26. KCNA, “DPRK Proposes Official Talks with U.S.,” June 16, 2013, at: <http://kcna.co.jp/item/2013/201306/news16/20130616-12ee.html>
27. Peter Hayes, “Overcoming U.S.–DPRK Hostility: The Missing Link Between a Northeast Asian Comprehensive Security Settlement and Ending the Korean War,” NAPSNet Special Reports, December 21, 2014, <http://nautilus.org/napsnet/napsnet-special-reports/overcoming-us-dprk-hostility-the-missing-link-between-a-northeast-asian-comprehensive-security-settlement-and-ending-the-korean-war/>
28. See P. Hayes, “View from Pyongyang,” chapter 8, *Pacific Powderkeg, American Nuclear Dilemmas in Korea* (Lexington, MA: Lexington Books, 1991), at: <http://nautilus.org/wp-content/uploads/2011/04/PacificPowderkegbyPeterHayes.pdf>
29. L. Nicksch, *North Korea’s Campaign Against the Korean Armistice*, Congressional Research Service Report 95–1187 F, December 11, 1995, at: <http://fas.org/spp/starwars/crs/95-1187f.htm> and K. Taylor, “United Nations Command Military Armistice Commission, Security & Reconciliation,” Presentation to Breaking Gridlock Workshop, Washington D.C., 2012, unpublished.
30. “Spokesman for Supreme Command of KPA Clarifies Important Measures to Be Taken by It,” KCNA, March 5, 2013, at: <http://www.kcna.co.jp/item/2013/201303/news05/20130305-21ee.html> and “Rodong Sinmun Holds U.S. Responsible for Reducing AA to Dead Paper,” KCNA, March 11, 2013, at: <http://www.kcna.co.jp/item/2013/201303/news11/20130311-08ee.html>

31. The Preamble to the Armistice states that signatories intended to achieve the “objective of establishing an armistice which will insure a complete cessation of hostilities and of all acts of armed force in Korea until a final peaceful settlement is achieved...” and until that time “do individually, collectively, and mutually agree to accept and to be bound and governed by the conditions and terms of armistice set forth in the following articles and paragraphs, which said conditions and terms are intended to be purely military in character and to pertain solely to the belligerents in Korea.” Article IV recommended to the concerned governments on both sides of the conflict that: “In order to insure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.” As such a conference failed to settle these questions when it was finally convened in June 1954, the Armistice remains in force and binds the parties indefinitely to the obligations undertaken when it was signed. See “Agreement between the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People’s Army and the Commander of the Chinese People’s volunteers, on the other hand, concerning a military armistice in Korea,” July 27, 1953, at: <http://nautilus.org/publications/books/dprkbb/armistice/#axzz3BAMwtiIT>

32. P. Norton, “Ending the Korean Armistice,” *NAPSNet Policy Forum*, March 29, 1997, <http://nautilus.org/napsnet/napsnet-policy-forum/napsnet-policy-forum-online-2-norton-ending-the-korean-armistice/>

33. After 1993, the northern members were no longer provided access north of the DMZ.

34. R. Bedeski, “Challenges to Peace,” *op cit*.

35. See R. Bedeski, “Challenges to Peace on the Korean Peninsula,” *NAPSNet Policy Forum* 97–16, July 28, 1997, <http://nautilus.org/napsnet/napsnet-policy-forum/napsnet-forum-7-challenges-to-peace-on-the-korean-peninsula/>

36. “A conclusion of a peace treaty would generate two remarkable immediate and lasting spin-offs. A steep cut would be made in the conventional armaments in the two parts of Korea, while Pyongyang and Seoul would find themselves in extensive and serious talks, which would eventually lead to a two-system confederal reunification of the Land of Morning Calm.” Kim Myong Chol, “DPRK Perspectives on Ending the Korean Armistice,” *NAPSNet Policy Forum*, May 7, 1997, at: <http://nautilus.org/napsnet/napsnet-policy-forum/napsnet-forum-4-dprk-on-ending-the-armistice/>

37. See, for example, “Kim Response to Norton, ‘Ending The Korean Armistice,’” *NAPSNet Policy Forum*, March 17, 1997, <http://nautilus.org/napsnet/napsnet-policy-forum/kim-response-to-norton-ending-the-korean-armistice/>

38. Such arguments were articulated in 1997 by the pro-DPRK writer Kim Myong Chol; and separately by DPRK analyst Pak Chol Gu, “DPRK Perspectives on Ending the Korean Armistice,” *NAPSNet Policy Forum*, May 7, 1997, at: <http://nautilus.org/napsnet/napsnet-policy-forum/napsnet-forum-4-dprk-on-ending-the-armistice/> Readers should note that, according to Patrick Norton: “From 1962–74, the DPRK argued that the two Koreas should sign a peace treaty. When South Korea accepted this proposal in 1974 by offering to sign a non-aggression pact, the DPRK changed its position and argued that only the United States was properly the other party to a peace treaty, a position it has since continued to maintain.” P. Norton, “Ending the Korean Armistice,” 1997, *op cit*.

39. “P. Hayes, “North-South Korean Elements of National Power,” *NAPSNet Special Report*, February 2, 2011, at: <http://nautilus.org/napsnet/napsnet-special-reports/north-south-korean-elements-of-national-power/>

40. See M. Scheldrup, Macklin, “Lilliputian Choice: Explaining Small State Foreign Policy Variation,” *International Affairs Departmental Honors Thesis*, University of Colorado–Boulder, paper 191, April 1, 2014, at: http://scholar.colorado.edu/cgi/viewcontent.cgi?article=1190&context=honr_theses

41. Young-Sun Ha, “Path to an Advanced North Korea by 2032: Building a Complex Networked State,” in *EAI Asia Security Initiative Working Paper*, ed. by EAI (East Asia Institute, 2011), pp. 11–12; and Sangbae Kim, “Roles of Middle Power in East Asia: A Korean Perspective,” in *Inter-*

national Conference on the Role of Middle Power in the 21st Century International Relations (Seoul: Korean Association of International Studies, 2013).

42. Peter Hayes and Roger Cavazos, "Kim Jong-un's 'Fresh Leap Forward' 2014 New Year Speech," NAPSNet Special Reports, January 01, 2014, <http://nautilus.org/napsnet/napsnet-special-reports/kim-jong-uns-fresh-leap-forward-2014-new-year-speech/>

43. Young-Sun Ha, "Path to an Advanced North Korea by 2032: Building a Complex Networked State," in *EAI Asia Security Initiative Working Paper*, ed. by EAI (East Asia Institute, 2011), pp. 11–12, at: http://www.eai.or.kr/data/bbs/eng_report/201104131805178.pdf

44. See, for example, Morton Halperin, "A Comprehensive Agreement for Security in Northeast Asia," NAPSNet Policy Forum, March 16, 2015, <http://nautilus.org/napsnet/napsnet-policy-forum/a-comprehensive-agreement-for-security-in-northeast-asia/>

Biographical Statement

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