


# **A Breakthrough Six-Party Summit in 2013? Why Not?**



The NAPSNet Policy Forum provides expert analysis of contemporary peace and security issues in Northeast Asia. As always, we invite your responses to this report and hope you will take the opportunity to participate in discussion of the analysis.

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# Planning for Peace-Keeping

## Critical Issues on a Northeast Asia Nuclear Weapons-Free Zone

- Are NPT-recognized Nuclear Weapons States (NWSs) ready to forego the use of nuclear weapons and nuclear threat against Non-Nuclear Weapons States (NNWSs) in the region?
- Should NWSs impose a verifiable restriction on deployment of nuclear-armed ground-launched ballistic and cruise missiles on their own territory as part of the treaty?
- Is a Northeast Asia Nuclear Weapon-Free Zone (NWFZ) consistent with continuing nuclear extended deterrence?
- Should nuclear fuel-cycle co-operation be included as part of the NWFZ treaty or as a separate set of parallel side agreements?
- Are conventional military means sufficient for the US and its allies to achieve security and to fulfill its mutual security obligations without recourse to nuclear threat or nuclear weapons?
- Would NWSs disavow past agreements as to NWS prerogatives to station or re-introduce nuclear weapons into NNWSs covered by a Northeast Asia NWFZ?
- Would the firing of nuclear weapons out of the NWFZ be proscribed in a Northeast Asia NWFZ?
- Should the Northeast Asia NWFZ end at the standard 12 nautical mile coastal limit? Would NWSs have the right of innocent transit of coastal waters and airspace?
- What monitoring and verification (M&V) and enforcement is needed in a Northeast Asia NWFZ, and specifically for North Korea?

Source: Peter Hayes and Richard Tanter, "Key Elements of Northeast Asia Nuclear-Weapons Free Zone (NEA-NWFZ)," Session 5: Managing the Security Framework, Breaking the Gridlock Workshop, Oct. 10, 2012, <http://nautiluswpengine.netdna-cdn.com/wp-content/uploads/2012/10/Hayes-Tanter-NWFZ-2-pager-Oct1-2012.pdf>

## Implementing a Northeast Asia NWFZ

A 2012 proposal from the Nautilus Institute on how a 3+3 phased NWFZ could be established:



**1** South Korea and Japan waive treaty clause that "all must ratify" and implement at the same time, so treaty comes in effect only on own territory; can pull out in e.g. five years if no North Korean progress.

Note: Waiver clause based on Treaty of Tlatelolco procedure and history after Cuban Missile Crisis and Argentina-Brazil accession procedures.



**2** North Korea joins at the outset, affirming commitment to comply, including arrangements needed to establish confidence; it does not waive clause that "all must ratify" and implement at same time; if it does not implement fully by agreed time, then other NNWSs can pull out.



**3** US, Russian and Chinese negative security assurances apply to North Korea only when it is in full compliance.

Option: Other Nuclear Weapon States UK and France can be added; and other Non-Nuclear Weapons States, e.g. Mongolia and Canada.

Northeast Asia Nuclear Weapon-Free Zone

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By Peter Hayes

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Nautilus invites your contributions to this forum, including any responses to this report.

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## I. Introduction

Efforts to get North Korea to give up its nuclear program and to resolve the outstanding security issues that plague the search for peace on the Korean Peninsula seem intractable. The Six-Party talks appear hopelessly stalled, and yet, among forward-thinking policymakers, the search is under way for how to reign in the North Korean nuclear threat.

Nautilus Institute Director Peter Hayes examines [one proposal by noted American foreign policy expert Mortin Halperin](#) that may contain just the right ingredients for a comprehensive solution, now that all parties to the Six-Party talks are beginning 2013 with new governments.

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The views expressed in this report do not necessarily reflect the official policy or position of the Nautilus Institute. Readers should note that Nautilus seeks a diversity of views and opinions on significant topics in order to identify common ground.

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## II. Report by Peter Hayes

### A Breakthrough Six-Party Summit in 2013? Why Not?

By Peter Hayes

The leadership transitions in the six countries that are the most direct parties to the Korean conflict are nearly over. North Korea's Kim Jong Il went first, his death resulting in his son, Kim Jong Un, becoming the world's youngest-ever nuclear commander-in-chief. Then US President Barack Obama pipped Republican challenger Mitt Romney at the post by a nose in the popular vote, but won re-election overwhelmingly in the Electoral College. China's Xi Jinping rose out of the quagmire of Communist Party-based corruption to reach the top of China's leadership. Japan, meanwhile, looks set for a continuation of its unstable, weak leadership, possibly from the conservative but pragmatic Shinzo Abe, while Russia remains firmly under the iron rule of Vladimir Putin. That leaves unknown the outcome of South Korea's presidential election in December, which had not yet taken place when Global Asia went to press. But whoever wins, the new South Korean president seems certain to pursue a policy based more on engagement with North Korea than on the threats and outright hostility that characterized outgoing president Lee Myung Bak.

By January, therefore, the leadership will have changed or been reaffirmed with a new term in all six countries simultaneously for the first time ever. The result is that a brief window of opportunity exists in which a strategic shift in relationships could take place that would materially contribute to a resolution of many outstanding problems on the Korean Peninsula. But this will happen only if at least one of these leaders decides to keep that window open; and once shut, this window is unlikely to open again for many years, if ever.

The noted American foreign policy expert Mortin Halperin has proposed just such a strategic shift in US policy towards the region as a way to solve the seemingly intractable North Korean nuclear problem. Halperin first floated the idea at the East Asia Nuclear Security Workshop in Tokyo in November 2011. [\[1\]](#) He subsequently revised the proposal in the lead-up to the US elections in the hope that this would help reshape the strategic environment in a way that would go beyond the current approach of focusing incrementally on particular behaviors. [\[2\]](#)

To test Halperin's concept, the Nautilus Institute (of which I am director) convened a bipartisan Breaking the Gridlock workshop on politically neutral ground at the Woodrow Wilson Center in Washington on Oct. 9-10, 2012. Participants included ambassadors, generals, admirals and senior security analysts from the United States, Japan, South Korea, Russia, China and Australia. They were asked to scrutinize Halperin's proposal from 20 different angles. [\[3\]](#)

Halperin's premise is that a nuclear-armed North Korea is unacceptable — to the global nuclear non-proliferation regime, to all of those interested in regional security and stability and to the US and its allies. Allowing Pyongyang to continue its nuclear program and develop additional nuclear warheads and delivery capabilities runs the risk of war, including nuclear war. It also distracts all states in the region from addressing other important security issues. Finally, it leaves most North Koreans starving and without a future, and risks imperiling the South Korean social and economic miracle, should conflict break out. In short, the US cannot accommodate a nuclear-armed North Korea, as some have argued.

Halperin argues that US regional security objectives are fundamentally sound but require strengthening conventional military forces, deepening US alliances and further reducing already-diminished nuclear extended deterrence. Instead of more dead-end attempts to deal with North Korea on an issue-by-issue basis, with endless disputes over specific differences, he suggests that the US initiate a strategic conversation with North Korea that would ultimately lead to a regional

security settlement.

The whole set of commitments and constituent elements of such a security settlement would be negotiated first among the US and its allies; then with China and Russia; then with other major powers (European) and interested parties (UN Command allies); and finally, with North Korea. Once defined in this sequence, the package would be accepted as a whole. Until then, the US and its allies and partners would maintain a potent military deterrent against North Korea and maintain both UN Security Council and unilateral sanctions on it.

The six key elements of a regional security settlement envisioned by Halperin include:

- Termination of a state of war;
- Creation of a Permanent Security Council to monitor compliance and decide on violations;
- Mutual declaration of no hostile intent;
- Provisions of assistance for nuclear and other energy needs;
- Termination of sanctions; and
- A Nuclear Weapons-Free Zone (NWFZ).

This regional security settlement would be a comprehensive agreement or treaty that would require ratification by a number of states, although adherence to sections of the settlement would be specific to the signatory states. Provisions would come into effect in a phased manner — immediately upon ratification or when various conditions were met. The benefits that might flow to North Korea — in particular, a guarantee that it would not be attacked with nuclear weapons under the Nuclear Weapons-Free Zone — would occur only if the North fully dismantled its nuclear capabilities under monitoring and verification by the International Atomic Energy Agency or a substitute regional inspectorate established as part of the treaty. Non-nuclear states such as South Korea and Japan could pull out of the treaty after five years if the North had not dismantled its nuclear program by then.

Moreover, as was the case with South Africa's abandonment of its nuclear program, North Korea would have to do more than just comply with its old "safeguards" obligations and establish genuine confidence that it no longer has nuclear weapons capabilities or aspirations held in reserve.

The Halperin proposal was scrutinized closely at the Breaking the Gridlock workshop. The willingness of key players such as China and the US to closely co-ordinate their policies toward North Korea and toward one another was questioned. [4] Some argued that South Korea and Japan would be unable to overcome the domestic political constraints on engaging the North that would be needed to establish a Northeast Asian NWFZ, especially if North Korea's nuclear disarmament took place over time rather than all at once. A third key objection to the proposal was related to the extent to which nuclear and conventional extended deterrence would support rather than inhibit the negotiations to settle the Korean conflict and create a NWFZ in Northeast Asia. In particular, did such deterrence rest primarily on nuclear extended deterrence? [5]

Halperin's proposal contained answers to these and almost all other questions raised at the workshop. On dilution of deterrence, for example, a hardheaded look at the ability of the US to use nuclear weapons against North Korea (assuming the North first used nuclear weapons against South Korea or Japan) showed that a NWFZ did not make such a retaliatory strike impossible. To be sure, over-flights of Russia by US missiles (for US-launched ICBMs) and the risk that China might see a submarine-launched missile salvo aimed at North Korea from the Pacific as a potential attack on



Beijing, might push the US to rely on stealth bombers to deliver nuclear strikes against the North in a slow-motion shuttle service supported by aerial refueling tankers. But the US could still retaliate and destroy North Korea if it so chose — although conventional forces would likely do so more rapidly and without the devastation that would arise from nuclear retaliation.

Moreover, it was noted at the workshop that should the North Korean nuclear threat be removed, and the Korean Peninsula stabilized by the creation of a revamped non-partisan UN Command — essentially a peace-keeping force in Korea — then a Northeast Asia NWFZ could free up US and allied aerial and ground forces to strengthen deterrence against a Chinese attack across the Taiwan Strait, thereby reducing the probability that China or the US might be the first to use nuclear weapons in this most dangerous of potential Asian conflict zones. [\[6\]](#)

# Planning for Peace-Keeping

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## Implementing a Northeast Asia NWFZ

A 2012 proposal from the Nautilus Institute on how a 3+3 phased NFWZ could be established:





Halperin's proposal suggests that it is time to break out of the moribund, rigid mold of the Six-Party talks and cast the net wider. On the US-allied side, for example, it was suggested that Canada might join a Northeast Asia NWFZ; and to make North Korea less isolated, Mongolia might also join the zone as a non-nuclear weapons state. The UK and France could also buttress the multilateral guarantee of the NPT nuclear states to North Korea and other non-nuclear states such as Japan and South Korea that they would not be attacked with nuclear weapons so long as they fulfilled their obligations as a party to the NWFZ — including not allowing nuclear weapons to be stationed in or fired from their territories.

Finally, the vexed issue of nuclear fuel-cycle inequality and discrimination — especially between Japan and the two Koreas — bedeviled discussions of Halperin's proposal. But regional fuel-cycle collaboration also offers a way to engage the North, bring its full enrichment capacity out into the open and onto the table as a negotiable capacity, and to reduce the perceived inequality between Japan and South Korea (Japan would forgo breeder reactors and reprocessing in a post-Fukushima recognition that these are fantasies that no longer justify billion-dollar subsidies, and South Korea would give up its aspiration to match Japan by "pyro-processing" spent fuel). [\[7\]](#)

Of course, some participants at the workshop found Halperin's proposal intriguing but too far outside the box of strategic orthodoxy. Many senior government officials — as good bureaucrats are wont to do — declared the proposal to be either too early (North Korea is not ready to make strategic decisions under Kim Jong Un) or too late (the North Korean nuclear horse has already bolted from the stable). It's apparently never the right time from a bureaucratic perspective to make a major change in policy that shakes up the status quo!

The complexity of negotiating such a comprehensive security agreement should not be underestimated. Some useful insights on how not to proceed can be derived, for example, from the Southeast Asian experience with the Treaty of Amity and Co-operation. [\[8\]](#) In the case of a Northeast Asia NWFZ, many key issues such as transit boundaries and monitoring would need to be addressed and resolved to move forward.

Nevertheless, none of these obstacles — even the superficially impassable such as monitoring and verifying North Korea's enrichment capacities [\[9\]](#) — are insurmountable. [\[10\]](#)

The key with achieving geostrategic policy shifts is leadership. After 2012, the "year of doing nothing," the two possible sources of leadership to implement Halperin's concept are the Obama administration and the new occupant of the Blue House in Seoul.

Should Seoul and Washington align their views and recognize the strategic advantages of reaching a regional security settlement, there is little doubt that the other regional powers would follow suit. The question is, who will kick-start the process? The devil may be in the details, but that's what bureaucracies are there to work out. As we learned after US President Richard Nixon and China's Chairman Mao Zedong met in 1972 and after US President Ronald Reagan met Soviet President Mikhail Gorbachev in 1986, the world can change overnight.

A Six-Party summit of heads of state in mid-2013 could cut through the many snarled knots that have made it impossible so far to resume the Six Party talks, on the one hand, and address how to resolve the big insecurities that drove North Korea towards nuclear armament in the first place, on the other.

Would Obama risk sitting down with North Korea's Kim to discuss such a process, alongside the four other heads of state from the region? If a complete deal were in the offing, why not?

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### III. Nautilus invites your responses

The Nautilus Peace and Security Network invites your responses to this report. Please leave a comment below or send your response to: [napsnet@nautilus.org](mailto:napsnet@nautilus.org). Comments will only be posted if they include the author’s name and affiliation.

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