NAUTILUS INSTITUTE
FOR SECURITY AND SUSTAINABILITY

THE OFF-RAMP WITH NORTH KOREA


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.


13
FLOOR
8 13:41
Hallmark

Recommended Citation

Leon V. Sigal, "THE OFF-RAMP WITH NORTH KOREA", NAPSNet Policy Forum, March 03, 2016, https://nautilus.org/napsnet/napsnet-policy-forum/the-off-ramp-with-north-korea/

NAPSNet Policy Forum

By Leon V. Sigal

March 3, 2016

I. Introduction

Leon Sigal analyzes the recent steps toward negotiations with North Korea. He quotes an interview with U.S. Ambassador Sung Kim, "when we conveyed to Pyongyang that we are open to dialogue **to discuss how we can resume credible and meaningful negotiations,** of course we meant it." Meanwhile, the issue of denuclearization remains central. Sigal also points out that "news reports focused on China's willingness to endorse sanctions without paying much attention to the U.S. commitment to negotiations."

Leon V. Sigal is director of the Northeast Asia Cooperative Security Project at the Social Science Research Council in New York.

II. Policy Forum by Leon v. Sigal

THE OFF-RAMP WITH NORTH KOREA

The State Department disclosed on February 21 that in talks this fall in New York, the United States had rejected a North Korean proposal to begin negotiations on a peace treaty. "To be clear, it was the North Koreans who proposed discussing a peace treaty," department spokesman John Kirby said in an emailed statement, "We carefully considered their proposal, and made clear that denuclearization had to be part of any such discussion. The North rejected our response."[1] He was reacting to a fallacious story in the Wall Street Journal that alleged, "Days before North Korea's latest nuclear-bomb test, the Obama administration secretly agreed to talks to try to formally end the Korean War, dropping a longstanding condition that Pyongyang first take steps to curtail its nuclear arsenal."[2]

The revelation came on the eve of Chinese Foreign Minister Wang Yi's visit to Washington. Intriguingly, four days earlier, Wang had made a more negotiable proposal of his own: "As chair country for the six-party talks [on the nuclear issue], China proposes talks toward both achieving denuclearization [of the Korean Peninsula] and replacing the [existing North Korea-US] armistice agreement with a peace treaty." The proposal, Wang said, was intended to "find a way back to dialogue quickly."[3]

Wang's proposal was consistent with the September 19, 2005 six-party joint statement, which called for "the directly related parties" to "negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum" in parallel with negotiations on denuclearization and political and economic normalization.

It was also a way to bridge the gap between Washington and Pyongyang. North Korea had long sought a peace treaty. Its position had hardened, however, after Washington, backed by Seoul and Tokyo, began insisting that it had to take "pre-steps" to denuclearize before talks could begin. Pyongyang in response began insisting a peace treaty had to precede denuclearization.

Wang also signaled China's support for U.N. sanctions: "North Korea's nuclear test and satellite launch constituted a serious move against Security Council resolutions," Wang said. "So, North Korea needs to pay the necessary price, and the purpose of ongoing discussions at the Security Council of adopting a new resolution is to stop North Korea from going any further down the path of developing nuclear weapons."[4]

China is well aware that sanctions have never effectively curbed North Korea's nuclear and missile programs and that negotiations, however difficult, are the only realistic way forward.

To many in Washington and Seoul, negotiations seem pointless if North Korea is unwilling to give up the handful of crude nuclear weapons it has. Their assumption ignores the potential danger that unbounded weapons programs in North Korea pose to U.S. and allied security.

That assumption also ignores the possibility that Pyongyang may be willing to suspend its nuclear and missile programs if its security concerns are addressed. That was the gist of its January 9, 2015 offer of "temporarily suspending the nuclear test over which the U.S. is concerned" if the United States "temporarily suspend[s] joint military exercises in South Korea and its vicinity this year."[5]

Like most opening bids, it was unacceptable, but instead of probing it further, Washington rejected it out of hand within hours and publicly denounced it as an "implicit threat."[6] It was a mistake Washington would not repeat subsequently.

Unofficial contacts later than January revealed that the North seemed ready to settle for Washington to modulate rather than cancel the largest exercises and seemed prepared to suspend not just nuclear testing, but also missile and satellite launches and fissile material production in return. Its main point was the need for reciprocal steps that addressed both sides' security concerns.

Those contacts might have opened the way to talks a year ago, but the initiative was squelched in Washington. Instead, U.S. officials continued to insist that Pyongyang take unilateral steps to demonstrate its commitment to denuclearizing and ruled out reciprocity by Washington on the flawed premise that the North alone had failed to live up to past agreements.[7] As Assistant Secretary of State for East Asia Daniel Russel put it on February 4, "North Korea does not have the right to bargain, to trade or ask for a pay-off in return for abiding by international law."[8]

The revelation that Washington and Pyongyang were willing to talk without preconditions surprised those who had not been watching the evolution of U.S. policy closely. On September 18, U.S. negotiator Sung Kim dropped preconditions for talks, but he still insisted the agenda would be steps North Korea would have to take to reassure Washington before negotiations could begin. "When we conveyed to Pyongyang that we are open to dialogue **to discuss how we can resume credible and meaningful negotiations,** of course we meant it. It was not an empty promise. We are willing to talk to them," Kim said during the interview at his State Department office. "And frankly for me, whether that discussion takes place in Pyongyang, or some other place, is not important. I think

what's important is for us to be able to sit down with them and **hear directly from them that they are committed to denuclearization** and that if and when the six-party talks resume, they will work with us in meaningful and credible negotiations towards verifiable denuclearization," he said.[9] In short, Washington would sit down with Pyongyang without preconditions in order to discuss its preconditions - "pre-steps" in diplomatic parlance - for negotiations. That opened the door to contacts with the North Koreans in the New York channel in early November.

In a televised interview from London, Foreign Ministry official Jong Tong Hak hinted what the North might have proposed behind the scene in New York. He said a permanent peace settlement on the Korean Peninsula first required a North Korean-U.S. "peace agreement" – what perhaps might be called a declaration committing the sides to negotiate peace. That was an advance. "If the American government is serious about respecting the sovereignty of the DPRK and ending its ongoing hostile policy against the DPRK then it can be solved very easily between the two sides."[10] The exclusion of South Korea made that proposal a non-starter even if the North had been ready to suspend its nuclear and missile programs.

Sung Kim repeated the U.S. position on November 11. "I think for us it's pretty straightforward: If they're willing to talk about the nuclear issue and how we can move towards meaningful productive credible negotiations, (we would be) happy to meet with them anytime, anywhere," he said. He went on to respond to Jong obliquely: "It's not that we have no interest in seeking a permanent peace regime, peace mechanism or peace treaty. But I think they have the order wrong. Before we can get to a peace mechanism to replace the armistice, I think we need to make significant progress on the central issue of denuclearization."[11]

The Obama administration deserves credit for agreeing to meet in New York to explore what the North Koreans had in mind and not to reject a peace process out of hand. North Korea, disappointingly was unready to respond to the U.S. to discuss denuclearization yet, which stymied talks for now.

The North's nuclear test and satellite launch have spurred more stringent sanctions at the U.N. Security Council and in Washington, and worse, revived hopes for collapse in Seoul. This crime-an--punishment approach, however warranted by North Korean flouting of international law, has never stopped North Korean arming in the past and it is unrealistic to think it will work now. Secretary of State John Kerry and Chinese Foreign Minister Wang Yi acknowledged as much in their joint press conference announcing their agreement to move ahead on *both* sanctions and negotiations. "China would like to emphasize that the Security Council resolution cannot provide a fundamental solution to the Korean nuclear issue. To really do that, we need to return to the track of dialogue and negotiation. And the Secretary and I discussed this many times, and we agree on this," Wang said. Kerry echoed him, saying that the goal "is not to be in a series of cycling, repetitive punishments. That doesn't lead anywhere. The goal is to try to get Kim Jong-un and the DPRK to recognize that … it can rejoin the community of nations, it can actually ultimately have a peace agreement with the United States of America that resolves the unresolved issues of the Korean Peninsula, if it will come to the table and negotiate the denuclearization."[12] News reports focused on China's willingness to endorse sanctions without paying much attention to the U.S. commitment to negotiations.

If the two sides can avoid deadly clashes triggered by upcoming joint military exercises, they may get back to exploring the only real off-ramp from the current impasse: reciprocal steps to open the way to negotiations that would address both denuclearization and a peace process in Korea – but not without a change of heart in Pyongyang, Washington, and Seoul. Stay tuned.

III. References

[1] Reuters, “U.S. Rejected Peace Talks before Last Nuclear Test,” February 21, 2016.

[2] Alastair Gale and Carol Lee, “U.S. Agreed to North Korea Peace Talks before Latest Nuclear Test,” *Wall Street Journal*, February 21, 2016.

[3] Lee Je-hun, “Could Wang’s Two-Track Proposal Lead to a Breakthrough?” *Hankyoreh*, February 19, 2016.

[4] Yonhap, “N. Korea Must Pay ‘Necessary Price’ for Nuke Test, Rocket Launch: China FM,” February 17, 2016.

[5] KCNA, KCNA Report, January 10, 2015.

[6] Deputy Spokesperson Marie Harf, Department of State Daily Briefing, January 12, 2015.

[7] On the history of reneging by various parties, Leon V. Sigal, “How to Bring North Korea Back into the NPT,” Nuclear Proliferation and International Order, ed. Olaf Njolstad (London: Routledge, 2010), pp. 65-82.

[8] Associated Press, “U.S.: Not Sign Yet N. Korea Serious on Nuke Talks,” February 4, 2015.

[9] Yonhap, “U.S. Willing to Hold Exploratory Talks with N. Korea in Pyongyang,” *Korea Herald*, September 19, 2015.

[10] Reuters, “N. Korea Accuses U.S. of ‘Nuclear Blackmail,’” November 4, 2015.

[11] Chang Jae-soon, “Amb. Sung Kim: U.S. ‘Happy to Meet’ with N. Korean ‘Anytime, Anywhere,” Yonhap, November 11, 2015.

[12] Secretary of State John Kerry, Remarks with Chinese Foreign Minister Wang Yi at the Department of State, February 23, 2016.

View this online at: https://nautilus.org/napsnet/napsnet-policy-forum/the-off-ramp-with-north-korea/

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