Achieving a Non-Nuclear Korean Peninsula: Options for Diplomacy in Northeast Asia

by James Goodby
Hoover Institution
Stanford University
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Summary: The Premier of China, Wen Jiabao, visited Pyongyang earlier this month where he met with Kim Jong-Il. It was an important visit, probably signaling the resumption of Six-party Talks on the North Korean nuclear weapons program. We do not know what pressure the Chinese applied to Kim Jong-Il to get him to reverse his position that the Six-party Talks were dead.

We do know that China and North Korea signed agreements on economic and commercial cooperation, so the incentives must have been significant. Kim Jong-Il stipulated that a bilateral meeting between the DPRK and the United States should precede multilateral talks. The use of the phrase "multilateral talks" suggests that while the Six-party Talks would be one forum for future discussion, it might not be the only one. This leaves room for triangular U.S.-ROK-DPRK talks and quadrilateral China-U.S.-ROK-DPRK talks. It is likely, based on stated positions of the Obama administration that a connection to the Six-party Talks will be sufficient to convince the Obama administration that it should enter into a bilateral dialogue with the DPRK.

All of this is a mixed blessing, in my view, and places several important issues before the Obama administration that might lead to reassessment of its policies in Northeast Asia. My list is as follows:

- Should Washington continue to rely so heavily on China to carry its water for it with North Korea? I think Washington will have to become much more directly involved in the process of negotiations and at a sustained higher level.
- Should further financial sanctions be put on hold while this new opening is being explored? I don't think there is much else we can do.
- Is it realistic to think that the DPRK nuclear capability can now be rolled back? Not unless the United States is willing to pay a higher price than has been the case so far.
- What diplomatic options do we have in renewed negotiations with North Korea? Several, including lining up the other four parties to create a forum for security consultations in Northeast Asia.
- Is there any path ahead that might salvage the prospects for military denuclearization of the Korea Peninsula? Probably the only way is to engage in a U.S.-led negotiation that would offer plausible concrete security assurances to Kim Jong-Il but that may be beyond the "art of the possible."

Discussion. North Korea has been creating "facts on the ground" in Northeast Asia. It has conducted nuclear weapons tests and flight tests of missiles. It has renounced agreements made during the last two years in talks with the United States, Russia, China, South Korea, and Japan concerning its nuclear weapons program. Beyond that, North Korea has repudiated the 1953 Armistice Agreement, the agreement that ended the shooting in the Korean War, but that did not legally end that war. All this is

clearly designed to show that North Korea's status as a nuclear weapon state is irreversible and that its sovereignty cannot be compromised.

The Obama administration says that it will never recognize North Korea as a nuclear weapon state and will not return to a process that rewards North Korea for bad behavior. Toughening the already strict sanctions against North Korea requires a level of cooperation from China, especially, that is not likely to be achieved and tough action just by the United States will not suffice. Only if all of them can be galvanized into united action will there be any chance of success in using sanctions against North Korea. The North Korean economy cannot withstand the pressures that will be brought against it if China fully joins in sanctions. But the Wen Jiabao visit shows that China will not do so.

Perhaps China has reached its own conclusions about the probable effects of an all-out "sanctions war" and doesn't like what it sees. A collapse of the North Korean system, including the Kim dynasty, would be a serious possibility. What is wrong with that? It should be a matter for rejoicing, most people would say. The problem is that a catastrophic breakdown of the social fabric of North Korea could lead to clashes between armed factions and to outright civil war. In a country that has nuclear and other weapons of mass destruction this could be disastrous. Intervention might be necessary to restore peace. And that could lead to clashes between military units not only of North and South Korea but also China and the United States.

It is clear, nonetheless, that for the United States the basic goal has to remain persuading North Korea to proceed with the dismantlement of its nuclear weapons program and this will require engagement with Pyongyang. Only in that way can a "soft landing" from the present high level of tensions be achieved. China's focus is more on the disaster of a total breakdown of North Korean society while Washington's focus is on the disaster of Kim Jong-Il's success in making North Korea a nuclear weapon state in the same status as India and Pakistan. Can the two views be reconciled? I think so, but it will require a degree of U.S. direct, high-level negotiation with North Korea that the Obama administration appears reluctant to accept.

Rewarding North Korea for bad behavior, of course, is to be avoided, but the issue is more multifaceted than the simple "carrots and sticks" analogy suggests. Pyongyang's pernicious behavior is the fundamental reason for the failure to come to closure. But a contributing factor has been the inability of successive U.S. administrations to maintain a high-level focus on managing the North Korea portfolio, and to pursue a coherent policy goal. Consistent management of policy toward North Korea has been a problem in several U.S. administrations.

After years of false starts, miscalculations, and willful blindness to the real complexities of the nuclear weapons issues in the Korean Peninsula, it now appears that a broad consensus has finally emerged in Washington on the point that nothing less than a broad approach to the problem has any chance of resolving the nuclear

issue. The Obama team has accepted this but would the Obama strategy work any better than the Bush strategy if it were actually tried?

Two factors suggest that it might. First, the Obama team is building on a fairly solid foundation laid by the last two years of the Bush administration. Second, the Obama administration seems to be more unified on Korea issues than the Bush administration was. That administration was divided between "regime changers" led by Vice President Cheney and "engagers" led by the State Department, occasionally encouraged by President Bush in his last years in office. That split does not seem to exist in this U.S. administration.

The Obama Administration has apparently been content to let China take the lead in negotiating with Kim Jong-Il. Perhaps it has no better choice. Leadership sometimes consists of letting others get out in front. However, the administration also has been reticent on the subject of North Korea in its dialogue with the public, which might indicate a similar reticence in private diplomatic talks. Aside from some general remarks about its preference for multilateral negotiations, its desire not to reward North Korea for bad behavior, and its demand that North Korea give up its nuclear weapons program the administration has said very little. These were also the stated policies of the Bush Administration and this does not comfort those of us who would like to think the administration has a considered long-term, comprehensive strategy.

In the sense of demonstrating that Pyongyang will not get its way by making a lot of disagreeable noises, this may be the right thing to do. Up to a point, it would

also be the right thing if something was going on behind the scenes, which may be the case, but I doubt it. Either way, this approach leaves a *public* vacuum: what does this Administration really think about the issues presented by North Korea? I think there are at least four points that could be usefully addressed by the President or the Secretary of State in order to build support in the Congress, with the public, and with friends abroad for future actions.

First, we need more clarity about our strategic objectives in Northeast Asia. Are we in favor of engagement with North Korea, and, if so, on what terms? Or is the present silence an indication that the Administration has written off negotiations and is willing to settle for the status quo?

Of course, U.S. strategic objectives, at a minimum, should be to deter and, if possible, reduce the military threat that North Korea poses to its neighbors and to the United States, not to mention the threats to world peace that North Korea's nuclear and missile exports are generating. But the United States also should have an interest in transformative diplomacy in the region. How can we induce change – societal change – in North Korea, including how its government treats its own citizens?

It may sound fanciful even to speak of this possibility in the context of North Korea, but the tides of history are running against governments like those in Pyongyang. Naturally enough, the regime in Pyongyang will resist reform, for their leaders fear loss of control and they fear the loss of being a society distinct from that

of the South. They saw what happened to East Germany. But this should not deter us from pursuing policies that will induce change.

Second, the United States may need to improve the process it uses to deal with North Korea.

The issues in North Korea are as serious as they are in the Middle East and South Asia, where the administration has appointed high-level, politically well-connected envoys to spearhead diplomatic efforts. The Clinton administration organized the "Perry Process", led by former Secretary of Defense Bill Perry, to do business with North Korea. Perhaps something like this will be necessary under present circumstances.

Third, we need a concept of what a peace system for the Korean peninsula would look like, even though the outlook for this is not very bright at the moment. Even if there were no prospect of negotiating even step number one with North Korea, we have to stand for something positive. That means something more than vague references to a peace treaty and economic cooperation which is about all that's been said so far. South Korea's President Lee Myung-bak was right to declare that his administration would "come up with a new peace initiative for the Korean Peninsula" if the North showed a determination to have a "candid and frank dialogue about what it would take for North Korea to give up nuclear weapons." What is the Obama Administration's view of a new peace initiative? Is it sharing its view with South Korea?

And *fourth*, we need a long-term U.S. vision for the Korean Peninsula and Northeast Asia. Is it going to be more of the same, a kind of updated "hub and spoke" system, in which a dominant power maximizes its influence through a web of bilateral connection or something that responds to present realities?

The potential for transformative diplomacy in Northeast Asia is enormous. A new architecture for security and cooperation in Northeast Asia may be possible but little has been heard from the Administration about issues such as this. They do seem to be interested in Five-party Talks, and this is an encouraging sign if it is something more than tactics.

A fully-functioning multilateral mechanism in Northeast Asia, perhaps derived from the Six-party Talks, would include Russia, China, Japan, and North and South Korea, as well as the United States. It could be a much needed agent for change. A multilateral organization is not a panacea: many sensitive issues will continue to be handled through other channels. But the present pattern is clearly not sufficient to lead the nations of the region to a stable peace.

<u>Near-Term Diplomatic Options.</u>

1. As soon as it can be arranged, the five nations that have been trying to negotiate with North Korea should convene a meeting of their foreign ministers. North Korea could be invited but it would be unlikely to attend. In any event North Korea's foreign minister is not a major player in North Korea's decision-making. A meeting

like this would bring added diplomatic pressure on Pyongyang and could lead to a Five-party Forum that would be useful in its own right.

2. The agreement Premier Wen achieved in Pyongyang almost certainly will lead to bilateral U.S.-DPRK talks. Engagement with North Korea requires a direct discussion between a top North Korean leader and a comparable official from the United States government. "Go-betweens" will not suffice. A conversation in Beijing between General James Jones, (USMC), President Obama's National Security Advisor, and one of Kim Jong-Il's senior military deputies on North Korea's National Defense Commission is one possibility that should be considered.

3. If the Six-party forum can be resumed, in the near future, preferably in a high-level configuration, item number one for decision should be a renewal of the pledge to denuclearize the Korean Peninsula. Item two should be a North Korean moratorium on flight testing of ballistic missiles for any purpose. Item three would be approval of a method for regular high-level conversations among the six nations for the purpose of breaking deadlocks in negotiations among them.

4. What to do next? I believe that replacing the 1953 Armistice Agreement with U.S.-DPRK *interim agreement* on regulating military activities on and around the Korean Peninsula might the best move, in the context of a North Korean acceptance of disabling and dismantlement of its weapons program. Other nations, especially the ROK, also should join in. This interim agreement would *not* be a peace treaty. Relations are not yet mature enough for that. It could define borders and provide a

Four-party Consultative Mechanism between North and South Korea, China, and the United States – those nations most directly concerned with the Armistice Agreement. It could include military confidence-building measures like an "incidents at sea" agreement, which helped the U.S. and Soviet navies avoid confrontations in the last years of the Cold War. It would be a genuine step forward.

1. Longer-term Perspectives: Straight-lining the Six-party Talks. The building blocks that might still emerge from the Six-party Talks are familiar. They could include a peace treaty to replace the armistice agreement of 1953; economic and energy cooperation involving North Korea and other nations; a contract between North and South Korea that would actively promote cooperation in political and security matters and in the human dimension (something like the North-South Basic Agreement of 1992); relations between North Korea, the United States, and Japan established on a new footing.

2. Longer-term Perspectives: A Broader Nuclear Negotiation. All of the preceding would have to take place in a framework that included an unequivocal dismantling of all North Korean nuclear weapons activities. In fact, without that little else would be possible, and there's the rub. It's not clear that North Korea will ever be willing to renounce its nuclear weapons program. One angle that has not been tried is to place the issue in the context of President Obama's call for "a world without nuclear weapons."

How might this work? First, the DPRK already has suggested that universal nuclear disarmament is the proper way to address its nuclear deterrent. So there is an open door. The hazard is that going in this door might lose the commitments North Korea already has made in the Six-party Talks. There would have to be a reaffirmation of all those commitments so that they could be incorporated bodily in a larger negotiation. The larger negotiation also has draw-back in that it would have the effect of recognizing the DPRK as a de facto nuclear weapons state but that price may have to be paid. The "larger negotiation" could be limited to the current Six-party Talks and each of the participants could undertake commitments regarding the elimination of all nuclear weapons. It would be a new thing for China, Russia, and the United States to pledge that they intend to work together to achieve a world without nuclear weapons and that, in the meantime, they are accepting measures that will limit their nuclear weapons presence in the vicinity of the Korean Peninsula. For Japan and South Korea to accept in a joint document that they will not build or accept nuclear weapons would be an important new move. The quid pro quo would be North Korea's disablement of its nuclear weapons facilities under effective verification. The verification system also would include monitoring the agreements made by the United States, China, Japan, Russia, and South Korea. And that is why the DPRK might accept such a regime. All of this, most likely, would have to be embedded in a series of other agreements of the type familiar from the Six-party

Talks, including a peace treaty between the United States and North Korea. Heavy lifting, indeed, but a possible way forward. There's a lot at stake.

3. Longer-term Perspectives: A Multilateral Organization in Northeast Asia. If I am correct in arguing that an integrating mechanism is needed to create and implement a coherent, sustainable settlement in Northeast Asia, it would be desirable to move this effort to a faster track than has been the case until now. I do not believe that this would undermine the effort to reach agreement on denuclearizing the Korean Peninsula or that it would interfere with progress in putting U.S.-DPRK relations and Japan-DPRK relations on a more normal footing. To the contrary, I think that the presence of a mechanism that stressed the centripetal forces, rather than the centrifugal, in Northeast Asia would promote overall progress towards an overall political settlement that would bring real peace to the region. Ultimately, I should think that this mechanism would absorb within its purview all significant multilateral issues. I should think that the six parties would see the utility of institutionalizing the process on a permanent basis. That would mean not only periodic meetings of high-level policy advisors and decision makers, perhaps once or twice a year, but also some kind of support mechanism which might or might not be a permanent organization.

4. Longer-term Perspectives: Reciprocal Unilateral Measures. If all else fails, a negotiating model that might be pursued is "reciprocal unilateral measures," much as the Bush administration did in the case of Libya. The essence of the Libya model was to proceed with independent actions taken by parties to the negotiations to reach

their shared objectives. A formal treaty is not a requirement. This process leaves to each participant some discretion in what it actually does.

The flexibility of this method is both its strength and its weakness. It can be a process for building confidence and, conversely, it can be a dead end. It can cut through years of enmity and suspicion that may be preventing the parties from reaching a conventional written agreement. Unless the process of taking reciprocal unilateral measures gathers momentum, however, the parties may never reach an ultimate settlement.

What reciprocal unilateral measures might be involved? Something like the following steps, over time:

North Korea would: 1) dismantle all its nuclear facilities and place constraints on its missile programs, agreeing to monitoring measures; 2) acknowledge and end all technical programs that could be used to enrich uranium; 3) withdraw troops from the Demilitarized Zone and reduce its forces.

The United States would: 1) further reduce its deployment of troops on the Korean Peninsula; 2) provide security assurances; 3) eliminate remaining trade barriers; 4) normalize diplomatic relations with North Korea; 5) provide energy and economic aid.

South Korea would: 1) implement the economic assistance it has promised to North Korea for ending its nuclear programs; 2) initiate confidence-building measures to lower tensions on the peninsula.

Japan would: 1) provide North Korea with promised reparations; 2) take actions to foster economic development in North Korea.

China and Russia also could undertake additional measures in response to North Korea's decision to dismantle its nuclear facilities.

If a denuclearized Korean Peninsula is truly accepted as a common strategic objective, Kim Jong-Il should be able to begin the process by taking some significant action, while reciprocal unilateral actions by other participants would keep the ball rolling toward achievement of the goal. By forming a permanent oversight group at the earliest possible date, the parties would maintain pressure and help build momentum for the negotiations.

A process like this needs to be balanced, and a nuclear weapons-free Korean Peninsula must be included. Otherwise, it would have very dangerous consequences. I believe that the Republic of Korea, the United States, and other nations should consult very closely about the elements of an incremental approach to building a peace regime in the Korean Peninsula were this method the only opening available. It is vital that the nations understand the vision that each has concerning a peace regime in Korea and, to the extent possible, to share it.

This option, I want to emphasize, is not the best way to proceed. No one should think that it can substitute for a formal, established mechanism to conduct business among the six nations. The choice between the two should be an easy one. A formal multilateral approach is far more likely to record real progress. Just thinking

for a moment about the limits of a piecemeal approach shows that, I think. But if this is the only way to sustain a dialogue, for now, so be it.

In Conclusion. If we are honest with ourselves we must recognize that political realities and developments in Northeast Asia raise serious questions as to whether a solution to the basic political and security issues in Korea can be found anytime soon. We should be clear about one other thing: U.S. disengagement from talks with North Korea will not contribute to the stability of the region.