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“Prospect for Peace in the Korean Peninsula ”

No Success Before Succession?

by

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Prospects for Peace on the Korean Peninsula: No Success before Succession?
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Let me start with my bottom line first: The prospects for true peace on the Korean Peninsula today, and I fear for some unpredictable number of years to come, is not very high. Fortunately, neither are the prospects for war. Instead, we are most likely to see a continuing ebb and flow of tensions as we watch North Korea's leadership succession drama play itself out. There is little the rest of the international community can do in the interim, other than try to set some parameters and draw some lines or limits that will dissuade the current DPRK leadership from committing additional hostile acts while hopefully persuading the next DPRK leadership to be more receptive to taking a cooperative approach both toward peace with its neighbors and toward economic reform and opening up than the current regime has proven itself to be. Even here I am less than fully optimistic, since this requires the other five members of the Six-Party Talks -- the Republic of Korea, China, Japan, Russia, and the United States -- to speak with one voice in dealing with North Korea, something they have not been very inclined to do, as a result of differing priorities and preferred tactics, even though all presumably share the common goal of Korean Peninsula denuclearization and both peninsula and regional stability.

Today's major source of tension and concern is centered around the March 26 sinking of the ROK naval vessel, *Cheonan*, which resulted in 46 ROK sailors and one search and rescue diver being killed (hence the "46+1" lapel pins many South Koreans now wear in remembrance). But the most recent round of problems predates the *Cheonan* attack. So before dealing with this explosive issue, it is useful to remember how poor the prospects for resumption of six-party denuclearization talks were, even before an international investigation concluded -- credibly in my view -- that the *Cheonan* was attacked and sunk by a North Korean torpedo.

While not all Americans would agree with the analysis that follows -- since "all Americans" agree on very little, if anything at all -- I confess that this will be a decidedly American perspective, but one based on more years of study of the Korean Peninsula than I would like to admit. And, with all due respect to my DPRK colleagues, who most decidedly share few if any of my views, I place the Kim Jong-il regime at the center of the current problem. And, as my title suggests, I believe succession politics in the North are most likely involved although I do not pretend to understand the political dynamics in the North well enough to explain exactly how they play both in the decision, more than 18 months ago, to walk away from the Six-Party Talks or in the more recent decision to ruthlessly attack the *Cheonan*.

A key argument here is that, even if the *Cheonan* incident had not occurred (or even if it had proven to have been an accident rather than the result of a deliberate explosion), the prospects for progress in the Six-Party Talks were very slim, since North Korean Dear Leader Kim Jong-il appears convinced that he must retain nuclear weapons, both for his own regime's survival, and to assure a smooth transition of power to his third son, Kim Jong-Eun.

The Demise of the Six-Party Talks

The current round of problems began during the waning hours of the George W. Bush administration at what has proven thus far to be the last round of Six-Party Talks, when Pyongyang stonewalled against even a moderately intrusive verification regime, despite apparent promises to move in that direction in return for positive US gestures. The unilateral (and thus far unreciprocated) US gesture came on Oct. 11, 2008, when the Bush administration announced that it had “rescinded the designation of the DPRK as a State Sponsor of Terrorism, effective immediately.” It also laid out a list of the verification measures that Pyongyang had reportedly agreed upon in return. According to a State Department Fact Sheet, Pyongyang agreed that experts from all six parties would have access to all declared North Korean facilities and, “based on mutual consent,” to undeclared sites. Agreement was reportedly reached on the use of scientific procedures (including sampling and forensic activities), on access to additional documentation, and that samples would be allowed to be taken out of the DPRK for further testing. The US reported (without correction or objection by Pyongyang at the time) that all measures contained in the Verification Protocol would apply not only to the North’s plutonium-based program but to any uranium enrichment and proliferation activities as well.

The reported “U.S.-North Korea Joint Document on Verification” (which was not released and was later revealed to be only an oral agreement) was to be reviewed at the next Six-Party Talks meeting where it would be finalized and formally adopted. Once it was “Six-Partyized,” it was presumably going to be released to the general public. (One says “presumably” since the June 2008 original North Korean “complete and correct” declaration of all its nuclear activities, which has been written down, has yet to be publicly released.)

When the six parties finally convened in Beijing in December 2008, Pyongyang pulled the rug out from under then-Assistant Secretary of State and lead US Six-Party Talks negotiator Christopher Hill by proclaiming publicly and emphatically that it had never agreed upon the verification protocol, which Pyongyang described as “an infringement upon sovereignty as it is little short of seeking a house search.” The understatement of the day came from Hill, who lamented that “the North Koreans don’t want to put in writing what they are willing to put into words.” By now, this should have come as a surprise to no one, but served as a useful reminder to the incoming Obama administration.

President Obama came to power offering an “outstretched hand” to anyone who would unclench their fist. In return, Pyongyang quickly gave the new US President the finger -- in the form of a ballistic missile test (called a satellite launch by Pyongyang but nonetheless violating the UNSC ban on “all ballistic missile activity” by the North) -- and it all went downhill from there. The North’s bellicose behavior was disappointing and potentially counterproductive -- why would any country think it in its interest to be the first to test the resolve of a new administration, especially one in the process of reviewing its policy toward your nation. But it is hardly surprising, given the tepid response to past provocative actions?

It should be noted here that, under normal circumstances, North Korea would have as much right to launch satellites (or even test missiles) as South Korea, the U.S., or anyone else. But these were not normal circumstances. Pyongyang’s 2006 missile launches and nuclear test prompted

two stern UNSC resolutions (UNSCR 1695 and 1718, respectively). These “demanded” a halt in all ballistic missile activity; the second even authorized Chapter VII enforcement mechanisms in the case of non-compliance, but with the caveat that only “measures not involving the use of armed force are to be employed to give effect to its decisions” and even then only after additional UNSC consultation.

Despite nearly unanimous urging from the rest of the world (some using stronger language than others) that it refrain from such an action, the North conducted a ballistic missile launch on April 5, 2009. The reasons why Pyongyang choose to go down this path remain open to wide speculation. The probability that this could very well force a hardening of the promised more flexible Obama administration position toward direct negotiations with Pyongyang seems to have escaped North Korean Dear Leader Kim Jong-il completely. Or, perhaps he believed that such confrontational behavior would (as all too often in the past) increase rather than decrease the prospects for dialogue on his terms. Or, perhaps it signaled that there was no interest in Pyongyang for dialogue on the nuclear or missile issue with anyone (at least not until it gets some new tests of its thus far marginal capability). At a minimum, the North once again successfully diverted attention away from the real problem at hand, which was dealing with Pyongyang’s nuclear weapons capability.

In response to the missile launch, the UNSC (reluctantly, after a week of intense diplomatic negotiations) issued an April 13 UNSC “Presidential Statement” (rather than a more binding Resolution) condemning the launch. Score this as a small diplomatic victory for Washington and its allies, nonetheless. Moscow and especially Beijing had refused, beforehand, to brand the launch as a clear-cut violation but finally joined the chorus proclaiming the launch “in contravention” of UNSCR 1718 a week after it occurred. (One wonders if a clearer statement by Pyongyang’s two erstwhile supporters in advance might have deterred the launch.)

Pyongyang seized upon the UN statement as an excuse to walk away from the moribund (although technically still alive) Korean Peninsula denuclearization talks, declaring that it “will never participate in the talks any longer nor will it be bound to any agreement of the Six-Party Talks.” It also threatened to “bolster its nuclear deterrent for self-defense in every way” and to restore its currently “disabled” nuclear facilities at Yongbyon “to their original state . . . putting their operation on a normal track and fully reprocess the spent fuels churned out from the pilot atomic plant as part of it.”

“In every way” included threatening to conduct a second nuclear weapons test (the first took place in October 2006); a promise it made good on in late May 2009. While the act itself came as no surprise, its timing was. While the North claimed that the test was forced upon it by Washington’s “hostile policies,” most technical specialists concluded that preparations had to have been under way for several months, if not longer, putting the lie to Pyongyang’s claim that the test was a direct response to the “U.S.-instigated” UNSC Presidential Statement.

The UNSC response to the May 25 nuclear test was neither swift nor as strong as many critics were demanding, again as a result of Chinese and Russian foot-dragging. The debate this time was not over the illegality of the act itself -- a UNSC statement was issued the same day

unanimously condemning the test -- but what to do about it. It took until June 12 for the UNSC to unanimously pass UNSCR 1874 calling for additional security and economic sanctions and a trade and arms embargo against North Korea.

The new resolution strengthened sanctions in five critical areas: it imposed a total embargo on arms exports from North Korea and expanded the ban on arms imports; it created a new framework for nations to cooperate in inspecting cargo ships and airplanes suspected of carrying banned goods; it called on nations and international financial institutions to disrupt funds that could support North Korea's nuclear and missile development programs; it promised to create targeted sanctions on any additional goods, entities, and individuals involved in North Korea's illicit behavior; and it strengthened the mechanisms to monitor and tighten the implementation of this new sanctions regime.

If UNSCR 1874 was meant to send a “strong signal” to Pyongyang, the message got lost somewhere in transmission. Its response to this “vile product of the U.S.-led offensive of international pressure aimed at undermining the DPRK's ideology and its system chosen by its people by disarming the DPRK and suffocating its economy” was to promise three “countermeasures”: first, the “whole amount of the newly extracted plutonium will be weaponised”; second, “the [long denied] process of uranium enrichment will be commenced”; and third, any attempted blockade “will be regarded as an act of war and met with a decisive military response.” In case this was too nuanced, the North's KCNA news agency further stated unequivocally that “It has become an absolutely impossible option for the DPRK to even think about giving up its nuclear weapons.”

Still Looking for the Light

Since then there has been little light emanating from the end of the tunnel. Hopes were briefly raised toward the end of last year that Pyongyang would soon return to the Beijing-hosted Six-Party Talks. During Chinese Premier Wen Jiabao's visit to Pyongyang in early October, the Chinese leader proclaimed a breakthrough of sorts in announcing that the North was now “willing to attend multilateral talks, including the Six-Party Talks.” This was predicated, however, on “progress” in U.S.-DPRK bilateral negotiations -- an official (North) Korean Central News Agency (KCNA) account of the discussion noted that the North “expressed our readiness to hold multilateral talks, *depending on the outcome of the DPRK-U.S. talks*” [emphasis added] making it clear which was to come first.

Skeptics were quick to point out that even this small gesture seemed to be a costly one, with Wen announcing a new multi-million dollar aid and development package that many viewed as violating UNSCR 1984 mandatory sanctions. South Koreans further worried (as did I) that the increased Chinese aid, apparently with no strings attached, undercut President Lee Myung-bak's “Grand Bargain” proposal, which promised a large package of economic and developmental assistance, but was predicated on a prior demonstrated commitment to denuclearization.

Beijing's eternal optimism notwithstanding, someone obviously forgot to tell Dear Leader Kim Jong-il about the renewed hopes for dialogue. He continued to insist, first and foremost, on some

“progress” in bilateral US-DPRK negotiations and an end to Washington’s alleged “hostile policy” toward the North. Among the various “proofs” sought by Pyongyang was a lifting, *in advance*, of UN Security Council sanctions and a peace treaty between Washington and Pyongyang (excluding Seoul, of course).

For its part, Washington -- enthusiastically joined by Seoul and Tokyo and less so by Moscow (which finally, in late March passed the necessary legislation to implement UN-mandated sanctions) and especially Beijing -- continued to make it clear that the lifting of UN sanctions is a decision not by the U.S. alone and that the formula for revision is quite clear: the lifting of sanctions first requires Pyongyang not only to come back to the six-party process but to “resume significant progress on denuclearization.” As Deputy Secretary of State Jim Steinberg noted during remarks at the Wilson Center on Jan. 29, “we believe it's important that the Six Party Talks resume expeditiously and that North Korea begin to take those irreversible steps to eliminate its nuclear weapons program. In the meantime, neither the United States nor our allies will provide incentives or material benefits for North Korea simply to return to negotiations. The terms of the UN Security Council Resolutions will continue to be enforced.”

Meanwhile, Washington will continue to exercise "strategic patience," says Steinberg, while insisting that Pyongyang “live up to its commitments and its international obligations.” Once the North returns to six-way negotiations and “begins to make progress on denuclearization,” Washington will then, and only then, be prepared to engage “where appropriate,” – i.e., within the context of the broader multilateral framework – in bilateral talks. It would also be prepared, “with our South Korean partners,” to discuss “a permanent peace regime for the Korean Peninsula.”

In short, having been down that road before (during the Clinton and Bush administrations), Washington was not about to “buy the same horse again.” Instead it was hoped that continued pressure and the pinch of sanctions would compel Pyongyang to come back to the Six-Party Talks and take up where it left off, with the continued discussion of the (already paid for) verification regime. This was not meant to be, not because of the *Cheonan* and not because of either Chinese pressure or Chinese bribes, but because Pyongyang had no intension of coming back to the talks without some rewards in advance and, even then, had no intention of giving up its nuclear card.

Prospects for Stability Torpedoed!

It would be incorrect, in my view, to say that the *Cheonan* attack torpedoed any hopes of a resumption of Six-Party Talks, largely because there was little prospect for a return to talks (and even less likelihood of denuclearization) even before the attack took place. What it did torpedo was an atmosphere of peace and stability which five of the six parties desperately want but which, once can speculate, Pyongyang fears. Given its failed domestic policies -- it’s recent currency conversion making a terrible situation even worse -- many would argue that the North needs a crisis atmosphere and an “imminent” outside threat to justify its continued harsh rule and to rally the people and military around the leadership as father-son transition continues. Add to this, revenge -- a response to a naval engagement last fall that bloodied and embarrassed the

DPRK navy -- and one can find a credible enough (even if terribly misguided) motive behind the attack.

Assessing/Guessing at North Korea's Long-Term Motives

What else is Pyongyang up to? Most North Korean specialists seem to agree that Dear Leader Kim Jong-il's motivations are as much domestic as international; he wants to demonstrate his continued virility and defiance of the international community and underscore the feeling of crisis that warrants the continued sacrifice of his people in the face of the external threat that only he (and his chosen successor?) can guard them against. The primary international objectives seemed to be killing the Six-Party Talks and the time-honored (and once again successful) tactic of driving wedges between and among the other five collaborators while distracting them from the denuclearization goal.

But, is Kim Jong-il trying to undermine the Six-Party Talks in order to force Washington to deal with Pyongyang directly, as some experts claim? Or, as others maintain with equal certainty, is he sending a signal that the North is not interested in talks at all, given current domestic political uncertainties surrounding the Dear Leader's poor health and succession plans? Or is Pyongyang merely laying the groundwork for eventual talks, but only on its terms, which include acceptance of North Korea as a nuclear weapons state (which will not happen)? The real answer is probably some combination of all of the above but the truthful answer is we really don't know; when it comes to understanding North Korean motives, we're all guessing.

Next Steps

The big question is, where do we go from here? We start, as we must, at the UNSC. Once again the ball is in Beijing's and Moscow's court. Will they once again play the role of North Korea's defense attorney, while attempting to water down any UNSC response out of fear of "provoking" the North into another round of bad behavior? If they succeed, as they did in the wake of the 2009 missile test, to generate a weak "Presidential Statement," will this result, as it did in 2009, in a more egregious act or acts, perhaps including more missile or nuclear tests? The question that Beijing and Moscow need to ask (and answer) is, will a tepid response from the international community make future acts of aggression by Pyongyang more or less likely?

Let me be clear! No one is calling for a declaration of war or a massive military action against the DPRK (and there is little need to anticipate such a response from Pyongyang to firm sanctions or other punitive measures -- it's boastful threats notwithstanding, North Korea has few options at its disposal and should understand that initiating a war will only result in its own demise). But something beyond a mere slap on the wrist or new sanctions that are likely to be ignored or poorly enforced will not send the message that "enough is enough!"

I understand and appreciate that Beijing places top priority on regional stability (while the US focuses first and foremost on nuclear proliferation, i.e., keeping Pyongyang's nuclear materials out of the hands of others -- especially non-state actors such as al Qaeda -- who would be prepared to use them). But, can we really have regional stability if Pyongyang believes that its

nuclear weapons provide sufficient deterrence against severe punishment, thus leading it to believe that it can act against the South (or others) with impunity? What message is Beijing trying to send to Pyongyang? What message will it receive if the UNSC fails to act?

Epilogue: The Six-Party Talks are Dead; Long Live the Six-Party Talks

As I have argued, even before the Obama administration came to power, Pyongyang had already made up its mind to end the six-way dialogue and restart its nuclear weapons test program. The missile launch and anticipated reaction provided the vehicle for doing this and the UNSC declaration the excuse. There was (and perhaps still is) an operational need to test its various missile systems. The same may hold true for nuclear weapons, since the first test is generally believed to have fizzled and analysis of the second test appears incomplete (or is being withheld). Therefore, we should not be surprised by additional missile or weapons test. In fact, we should silently hope for them, since each event will further solidify international support behind tightening the sanctions noose and each kilogram of plutonium used up in an additional test is one less we will have to ultimately account for.

My guess is that Pyongyang will return to the negotiating table only when it perceives it in its best interest to do so and fully expects, based on past performances, that whatever “tough” sanctions are imposed between now and then will be lifted or ignored once it returns to the negotiating table (even if not in good faith). More bad behavior may result in more (temporary and largely unenforced and unenforceable) sanctions, but also will increase the sense of urgency in getting them back to the table; bad behavior and outrageous threats continue to be Pyongyang’s principal bargaining tool (and why Beijing and Moscow do not specifically condemn such actions -- beyond innocuous statements like “we wish everyone would remain calm -- defies explanation).

Alternative Approaches

There are many less cynical than myself who still believe that a negotiated denuclearization is still possible -- remember I said we were all guessing! To them I would say that there are a number of ways to bring about renewed dialogue. The tried and true way is to dangle more carrots. This might get the Dear Leader back to the table temporarily, but only until he has once again eaten his fill. He will then surely walk away. As one senior statesman quipped, “Clinton bought Yongbyon once and Bush bought it twice, why shouldn’t Kim Jong-il think he can sell it to us a few more times to Obama?”

An alternative approach, which requires close cooperation among Washington, Seoul, and Tokyo at a minimum, with Beijing, Moscow, and others preferably on board, is to increase the costs involved in his staying away through stricter enforcement and an incremental strengthening of UNSCR 1874, until Pyongyang is “persuaded” to once again cooperate. The *Cheonan* incident provides the UNSC with an opportunity to move in this direction.

Another vehicle for sending Pyongyang a strong message, proposed by Seoul, is the initiation of Five-Party Talks (sans North Korea) to determine the best way to persuade Pyongyang to come

back to the table and, in the interim, accomplish two vital tasks: first, to keep North Korea from using its nuclear arsenal and second, to keep what's currently in North Korea in North Korea and to keep anything else that would help the regime develop its nuclear or missile capabilities out.

The first half of this task is the easier one. Surely Pyongyang realizes that using a nuclear weapon against the U.S., South Korea, Japan, or anyone else is likely to draw an American military response "using all available means." If survival is a key North Korean objective – and this is the only objective upon which virtually all the experts agree – it will not do anything that is clearly suicidal.

Containing North Korea's nuclear capabilities -- keeping its weapons of mass destruction (which reportedly include chemical and perhaps even biological as well as nuclear weapons) out of the hands of others (including terrorist groups) that might be more inclined to use them -- is a more difficult task which the United States and ROK cannot do alone.]

Like UNSCR 1695 and 1718 before it, UNSCR 1874 is supposed to help achieve this objective. But the key will not be merely strengthening sanctions but actually enforcing them, to demonstrate that bad behavior has serious, enforceable, and long-lasting consequences. The elimination of Pyongyang's nuclear weapons capabilities will be a multi-stage process. Tightening the noose around Pyongyang to increase the political, military, and economic costs associated with going down the nuclear path is a long overdue vital first step in this process. So too is preventing "nuclear blackmail" by making it clear to Pyongyang that acts of aggression such as the *Cheonan* attack will no longer be tolerated.