Can Washington and Seoul Try Dealing With Pyongyang For a Change?

ike his predecessors, President Barack
Obama is learning the hard way that
the only thing worse than negotiating
with North Korea is not negotiating with
North Korea.

Instead of moving to resume talks, the administration sustained the suspension of promised energy aid by South Korea that President George W. Bush endorsed just before he stepped down. It has now matched the Bush record of holding just one high-level meeting with Pyongyang in its first 21 months in office, and it still speaks of "strategic patience" as if the pressure of sanctions and isolation will somehow make North Korea relent.

Nothing of the sort has transpired. Instead, the North stopped disabling its plutonium facilities at Yongbyon and conducted a missile and a nuclear test, then reprocessed the spent fuel removed from its reactor during the disabling to extract another bomb's worth of plutonium.

Disengagement has never gone down well with Pyongyang, which has long tried to exploit its nuclear program to convince Washington to end years of enmity and reconcile by signing a peace treaty to end the Korean War and fundamentally improving relations. Even worse, U.S. disengagement conceded the initiative to the Lee Myung-bak government in South Korea, which was determined to show the North who is boss. That led to the North Korean attack on a South Korean navy corvette, the *Cheonan*, in the West (or Yellow) Sea, killing 46 on board.

Much of Washington saw the attack on the *Cheonan* as an unprovoked bolt out of the blue by a regime attempting to divert attention from domestic disarray and an uncertain leadership transition. Washington also took Pyongyang's missile and nuclear tests as slapping away the hand that Obama had held out during the 2008 campaign.

That is far from the whole story.
North Korea's tests were retaliation for South Korea's halt to delivery of promised energy aid in late 2008. Seoul's action reneged on an October 2007 six-party agreement to disable the plutonium facilities at Yongbyon. In addition, North Korea most likely carried out the attack on the *Cheonan* to avenge a South Korean attack on one of its own naval vessels in November 2009.

What North Korea has yet to do is restart its Yongbyon reactor to generate more plutonium-laden spent fuel, complete a plant for enriching substantial quantities of uranium, or conduct additional missile and nuclear tests it needs if it is to develop a deliverable warhead and reliable missiles.

An effort to induce North Korea not to take these steps should be a matter of some urgency in Washington. It has not been, in part because political operatives in the White House harbor doubts about its prospects for success and do not want to give the Republicans a target for partisan attack by seeking another deal

with North Korea and in part because Obama wanted to mend fences with allies, most notably South Korea, alienated by Bush's unilateralism. Disinformation from Seoul assiduously laid the grounds for disengagement. The North's economy was in decline, it alleged, despite the South's own data that showed gross domestic product and trade had grown for nine of the past 10 years. A succession struggle was said to be raging despite signs since early 2009 that an orderly leadership transition was under way.1 Understanding the recent pattern of U.S.-Korean interactions is essential if Washington is to head off more trouble on the Korean peninsula.

Engagement Plateaus in 2007

The 1994 Agreed Framework verifiably froze North Korea's plutonium program up front, pending its ultimate dismantlement. The United States, in return, promised two replacement reactors by a target date of 2003, supplies of heavy fuel oil in the interim, and above all, an end to enmity—"to move toward full normalization of political and economic relations." In 2002, hard-liners in the Bush administration seized on intelligence that North Korea

was seeking the means to enrich uranium to scuttle that accord. The North's response was to restart its plutonium program. Confronted with the grim prospect of unbounded nuclear arming in the North, Bush grudgingly accepted a September 2005 six-party joint statement that committed North Korea to "abandoning all nuclear weapons and existing nuclear programs" in return for pledges by the United States and Japan to normalize relations; pledges by the United States, South Korea, and China to negotiate "a permanent peace regime on the Korean peninsula"; and the provision of energy aid by the five parties.2 Washington immediately contravened that promising accord by implementing an Illicit Activities Initiative intended to get banks around the globe to freeze Pyongyang's hard-currency accounts.

When Bush became president, the North had suspended tests of longerrange missiles, had an estimated one or two bombs' worth of plutonium, and was verifiably not making more. By October 2006, it had six to eight bombs' worth of plutonium, had resumed testlaunching missiles, and had just conducted its first nuclear test.

Within three weeks of that test, U.S.

negotiator Christopher Hill held a bilateral meeting with his North Korean counterpart that led to resumption of the six-party talks, resuscitation of the September 2005 accord, and the refreezing of North Korea's plutonium program. In October 2007, the talks yielded an accord on "second-phase actions" under which the North pledged to make "a complete and correct declaration of all its nuclear programs" and to disable its plutonium facilities at Yongbyon, pending their permanent dismantlement. In return, it was to get energy aid and an end to U.S. sanctions under the Trading with the Enemy Act and removal from the U.S. list of state sponsors of terrorism. The agreement made no mention of verification, which was left to a later phase.

At the same time, South Korean president Roh Moo-hyun was signing a potentially far-reaching summit agreement with North Korean leader Kim Jong II that included, among other provisions, a pledge "to discuss ways of designating a joint fishing area in the West Sea to avoid accidental clashes and turning it into a peace area and also to discuss measures to build military confidence." Had that provision



South Korean navy personnel stand guard next to the wreckage of the salvaged patrol ship *Cheonan* during a May 19 media briefing in Pyeongtaek, south of Seoul. The ship sank March 26 near the maritime border with North Korea. An international investigation found significant evidence of North Korean responsibility, which Pyongyang has denied.



South Korean President Roh Moo-hyun (left) and North Korean leader Kim Jong II exchange copies of a signed joint declaration on October 4, 2007, during their summit in Pyongyang. In their agreement, the two leaders pledged "to discuss ways of designating a joint fishing area in the West [Yellow] Sea to avoid accidental clashes."

been pursued, it might have prevented the November 2009 naval clash and the sinking of the *Cheonan*.

That was not to be. Within two months, Lee was elected president of South Korea. Determined to display toughness toward North Korea, he abandoned engagement and backed away from the 2007 summit agreement, specifically the West Sea provision.⁴ He also allied with Japan to undermine the October 2007 six-party accord. In so doing, he pushed North-South engagement off its precarious plateau and over the precipice.

Pyongyang's Bargaining Behavior

The most propitious moments in Korea policy have come when Washington and Seoul moved in tandem to reconcile with Pyongyang. That was the case in October 2007, as well as in January 2000 with the first North-South summit and that October with the exchange of visits by Secretary of State Madeleine Albright and Vice Marshal Jo Myong Rok, the highest-level U.S.-North Korean contacts to date. The most dangerous crises came when Seoul blocked engagement between Washington and Pyongyang in March 1993, prompting North Korea to announce its intention to renounce the nuclear Nonproliferation Treaty; in May 1994, when it abruptly removed all the spent nuclear fuel from

its reactor at Yongbyon; and again now.

By escalating tensions, Pyongyang has been trying to compel Washington to re-engage while strengthening its own bargaining leverage.

Seoul Impedes Six-Party Talks

The current crisis began in June 2008 after North Korea declared it had separated 38 kilograms of plutonium, an amount at the lower end of the range of U.S. estimates. In a side agreement, Washington allowed Pyongyang to defer disclosing its uranium-enrichment activities and any proliferation assistance it had given to Syria. Doubts soon surfaced in Seoul, Tokyo, and Washington about the accuracy and completeness of the declaration.

The day North Korea handed China its declaration, the White House said it intended to fulfill its obligations under the October 2007 accord to delist the North as a state sponsor of terrorism and end sanctions under the Trading with the Enemy Act but only if Pyongyang agreed to cooperate in verifying the declaration. As Secretary of State Condoleezza Rice acknowledged on June 18, Washington was moving the goalposts: "What we've done, in a sense, is move up issues that were to be taken up in phase three, like verification, like access to the reactor, into phase two."

Seoul, along with Tokyo, took advan-

tage of the opening to demand a verification protocol, and Bush went along. Washington gave Pyongyang a draft protocol that demanded "full access upon request to any site facility or location," among other highly intrusive measures. On July 30, the White House delayed delisting the North as a state sponsor of terrorism until it accepted them.

North Korea promptly stopped the disabling and, accusing the United States of an "outright violation" of the October 2007 accord, soon announced it would move to restore the reactor and other facilities.⁷ In a transparent effort to resume proliferation forsworn in that accord, it also sought permission to overfly India with weapons technology believed to be bound for Iran.

In a last-ditch attempt to complete the disabling, Hill flew to Pyongyang on October 1 with a revised protocol. His interlocutor, Kim Gye Gwan, agreed to allow "sampling and other forensic measures" at the reactor, reprocessing plant, and fuel fabrication facility at Yongbyon, which could have sufficed to ascertain how much plutonium Pyongyang had extracted in the past. If not, he also agreed to allow "access, based on mutual consent, to undeclared sites."

That oral commitment did not assuage South Korea or Japan, which insisted it be put in writing. Much to the dismay of the Aso government in Tokyo, Bush then delisted North Korea as a state sponsor of terrorism. The disabling resumed, with 60 percent of the spent fuel rods out of the reactor and roughly one-half the promised energy aid yet to be delivered—none from Japan. With South Korea due to deliver the next tranche, Seoul now sided with Tokyo to insist that the delivery of energy aid be suspended unless Pyongyang accepted a written commitment to more intrusive verification. Again, Washington went along. At the seventh round of six-party talks in December, South Korea, Japan, and the United States, but not China or Russia, threatened to halt the aid. On his departure, Kim Gye Gwan left no doubt that there would be retaliation for any reneging on energy aid: "We'll adjust the speed of our disablement work if it doesn't come in."9

On entering the White House, Obama stayed this course. Consumed by the global financial meltdown and looming depression, he made no move to undo the reneging on energy aid or to enter into talks with North Korea. In Seoul, meanwhile, Lee's approval rate had plummeted to 34 percent, and his party's right wing was growing restive. Worried that Obama might move to resume nuclear negotiations with Pyongyang or initiate peace talks, hard-liners made common cause with Tokyo. If engagement sped up, a senior South Korean official told a reporter, Japan could help by "slamming on the brakes." 10

Skeptical of Washington's intentions and unmoved by Obama's warm words, Pyongyang opted to force the action. In late January, it began assembling a rocket at the Musudan-ri launch site, an effort that would take two months, giving Obama time to reconsider engagement. In public, it did its best to portray the test launch as a peaceful attempt to put a satellite into orbit; in private it made clear to visitors that, without the promised energy aid, it would have no recourse but to strengthen its deterrent.

Intent on avoiding an open breach with Seoul and Tokyo, Washington joined them in warning of additional UN sanctions under Security Council Resolution 1718 if Pyongyang went ahead with the launch. That resolution, adopted in response to Pyongyang's 2006 nuclear test, had called on the North to "suspend all activities under its ballistic missile program and in this context reestablish its pre-existing commitments to a moratorium on missile launching." Russia and China, however, took the position that the resolution did not bar satellite launches.

On April 5, 2009, North Korea launched a three-stage rocket in an unsuccessful attempt to put a satellite in orbit. Washington, Seoul, and Tokyo promptly sought UN sanctions. Beijing initially demurred, convinced that sanctions would delay the resumption of talks, but it was not about to take the blame in Washington for blocking UN action. It drafted a Security Council president's statement with the United States that condemned the launch for contravening Resolution 1718 and imposed sanctions.

Spurning the UN action, a North Korean Foreign Ministry spokesman denounced six-party talks as "an arena which infringes on our sovereignty and which aims only at disarming us

and overthrowing our system" and said Pyongyang "will no longer be bound by any agreement." That called into question its commitment to "abandon" its nuclear weapons and its existing nuclear programs. The spokesman listed three other steps Pyongyang would take in response. First, it would "actively examine the construction of a light-water [nuclear] plant." Such a plant would require enriched uranium. Second, the Yongbyon facilities "will be restored to the original state for normal operation," which stopped short of saying North Korea would restart its reactor to generate more spent nuclear fuel. Third, the 6,500 spent fuel rods removed during disabling "will be reprocessed."11 By extracting another bomb's worth of plutonium, it could conduct its second nuclear test that May without depleting its stock of plutonium. That test prompted a tightening of UN sanctions and stepped-up Chinese engagement.

Pouring Oil on Troubled Waters

Not content just to impede six-party talks, the Lee government in Seoul also flung down the gauntlet in its competition with the North, which led to firefights in contested waters off Korea's west coast.

Those waters have been troubled ever since the end of the Korean War in 1953. when the U.S. Navy unilaterally imposed a ceasefire line at sea north of the Military Demarcation Line (MDL) on land. North Korea has long objected to this Northern Limit Line (NLL), which is not recognized internationally. It wants the MDL line extended out to sea.

A possible way around the NLL dispute emerged in a wide-ranging summit declaration signed in October 2007 by Kim Jong Il and Roh, Lee's predecessor. They pledged to discuss establishment of a joint fishing area in the West Sea "to avoid accidental clashes" and also to discuss "measures to build military confidence" that might forestall such clashes. 12 That could have been a useful opening step in a Korean peace process.

Two months later, President-elect Lee's transition team opposed implementation of the October declaration. He later backed away from a 2000 summit accord that, among other steps toward reconciliation, had committed the North to abide by the provisional line until permanent borders were drawn.

The moves drew a bristling response from Pyongyang. In late March 2008, after building up its shore artillery near the disputed waters, it accused South Korean vessels of violating "its" territory and launched short-range missiles into the contested waters, underscoring the risks of leaving the issue unresolved. It also called for a permanent peace treaty to replace the armistice agreement, a step the Lee government was loath to take.

A heated war of words erupted in 2009. On January 17, assailing the South's defense minister "for making full preparations for the possible third West Sea skirmish," a North Korean



North Korea's public demolition of the cooling tower at its Yongbyon nuclear complex is shown on a TV screen at a railway station in Seoul on June 27, 2008.

military spokesman warned, "[W]e will preserve...the extension of [the] MDL in the West Sea already proclaimed to the world as long as there are ceaseless intrusions into the territorial waters of our side in the West Sea." Not to be outmuscled, South Korea's defense minister told the National Assembly a month later that it "will clearly respond to any preemptive artillery or missile attack by North Korea"

With little to show for his efforts to re-engage, Kim Jong Il turned up the heat. On October 15, the North Korean navy accused the South of sending 16 warships into the disputed waters, according to a report by North Korea's Korean Central News Agency, which said, "The reckless military provocations by warships of the South Korean navy have created such a serious situation that a

sibly targeted at suspect North Korean firms, indiscriminately aimed at shutting down North Korean bank accounts everywhere. China, where most of the accounts were located, was unwilling; Chinese officials were convinced that economic engagement was bringing about needed change in North Korea.

Joint naval exercises by U.S. and South Korean warships in the West Sea,

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in the contested waters. ¹⁴ The message to navies on both sides was to shoot first and ask questions later.

In August 2009, Pyongyang reached out to re-engage with Seoul and Washington. Intent on releasing two American journalists who had strayed across the border from China, Kim Jong Il invited former President Bill Clinton to meet him on August 4 and renewed an invitation for U.S. special envoy Stephen Bosworth to come to Pyongyang for talks. He also sent his two top officials dealing with North-South relations to Seoul for Kim Dae-jung's funeral with a personal invitation for Lee for a third North-South summit meeting, but Lee, mistaking the gesture for a sign of weakness, spurned the invitation.

On September 3, the North Korean permanent representative to the United Nations informed the Security Council president by letter that Pyongyang's "experimental uranium enrichment has successfully been conducted to enter into completion phase."15 Was the North moving to construct an enrichment plant? The message's meaning was technically obscure, but politically obvious: Pyongyang was saying it was ready for "dialogue"—or else. Washington delayed Bosworth's trip until December. Without a commitment from Seoul to resume shipments of energy aid, he had little to offer except long-standing U.S. positions on the need to resume six-party talks and denuclearization in return for an improvement in relations.

naval clash may break out between the two sides in these waters."¹⁶

Shortly thereafter, just such a clash took place. On November 9, a North Korean patrol boat crossed the NLL into the contested waters—precisely what the 2007 summit had sought to forestall and a South Korean vessel fired warning shots at it. The North returned fire and the South opened up, severely damaging the North Korean vessel and causing an unknown number of casualties. On November 12, after Pyongyang's demand for an apology went unanswered, North Korea's party newspaper, Rodong Sin*mun*, spoke of avenging the attack: "The South Korean forces will be forced to pay dearly for the grave armed provocation perpetrated by them in the waters of the north side in the West Sea of Korea."17 Five days later, according to North Korean accounts, Kim Jong Il went to a naval base with his high command and ordered the training of a "do-or-die unit of sea heroes."18 That order was carried out on March 26 with the attack on the Cheonan, an attack for which Pyongyang has since denied responsibility.

A UN Security Council statement condemned the attack but, at China's behest, did not name North Korea as the perpetrator. South Korea and the United States imposed new sanctions on the North. The South curtailed trade, but stopped short of shutting down the Kaesong industrial park in North Korea, which South Korean firms operate jointly with the North. U.S. sanctions, osten-

ostensibly to reinforce deterrence, were also designed to demonstrate the risk to China of not going along with pressure on North Korea. That only antagonized Beijing, prompting it to conduct naval exercises of its own. Some in Washington and Seoul wanted to pick a fight with Beijing over North Korea, but cooler heads understood that continued cooperation with China is the key to security in Northeast Asia. 1

Next Steps

Events of the past decade have erased any trace of trust between Washington and Pyongyang. Words alone will no longer suffice to restore it. Both sides will need to take sustained actions to reassure one another if denuclearization and reconciliation are to have any chance of proceeding.

What does Pyongyang see in engagement? Kim Jong Il has promised "a radical turn in his people's standard of living" and a "strong and prosperous country" by 2012, the centenary of his father's birth. He needs foreign capital for his economy to grow, and he does not want to be wholly dependent on China for it. If he wants to meet those goals, he knows he will need to move to denuclearize. Moreover, he may not yet have given up trying to improve his security by convincing Washington, Seoul, and Tokyo to end enmity and normalize relations. He will not yield his nuclear programs without a sustained process of reconciliation.

Even a comprehensive settlement will have to be implemented step by tortured

step. Some might cavil that such a gradual approach will allow Pyongyang to engage in salami tactics, offering thinner and thinner slices of its nuclear wherewithal and leaving elimination of its weapons to come at the end of that process, if ever. Of course, a step-by-step approach, illustrated below, would have to overcome the lack of political will in Washington to offer much in return and find a way to convince Seoul and Tokyo to contribute their share.

A starting point might be for Pyongyang to turn over the replacement fuel rods it has, forestalling a restart of its reactor, and to revive its moratorium on missile and nuclear tests. Additional energy aid might be an acceptable quid pro quo for the fuel rods, because South Korea was negotiating such an arrangement with the North in 2007. A test moratorium will require political moves by Washington, at a minimum the start of a peace process in Korea to be conducted in parallel with six-party talks and some relaxation of UN sanctions.

Such a peace process is the key to preventing more *Cheonans* and advancing talks on denuclearization. Although South Korea committed itself to a peace regime in the September 2005 joint declaration, the Lee government is reluctant to enter into such talks. In addition, it has backed away from negotiating a joint fishing area and naval confidence-building measures that could be the first of several agreements on the way to a treaty. Turning Seoul around will be critical to further progress.

Permanent dismantlement best might begin at the fuel fabrication plant at Yongbyon, which would preclude Pyongyang from reloading its reactor to generate more plutonium-laden spent fuel. An economic inducement, such as Nunn-Lugar funding of alternative employment for those who worked at the facility might facilitate that step.²² So would political gestures, such as sending Secretary of State Hillary Rodham Clinton to Pyongyang and concluding a peace declaration with the two Koreas and China affirming that they have no hostile intent toward one another and committing them to sign a peace treaty when the North is nuclear free.

While in Pyongyang, Clinton might try to reconstitute the offer that Kim Jong Il put on the negotiating table to end exports, testing, production, and deployment of medium- and longer-range missiles when Albright visited Pyongyang in October 2000. Launches of North Korean satellites and Nunn-Lugar aid for converting its missile facilities might be a quid pro quo for that step.

A summit meeting between Obama and Kim Jong II, establishment of full diplomatic relations, and much deeper economic engagement are likely to be needed for Pyongyang to dismantle its reactor and reprocessing plant and allow its enrichment and reprocessing to be verifiably ended. It is unclear whether the North's programs can be completely eliminated without recommitment by the other parties to construct a nuclear power plant in the North, but conventional power plants should be provided as dismantlement proceeds at Yongbyon.

Some in Washington wrongly want to focus on preventing Pyongyang from further proliferation, but the transfer of nuclear know-how has proven difficult to prevent. Elimination of the North's production capacity is the key to stopping its exports of missile components and nuclear equipment. Even worse, unless Pyongyang's nuclear programs are halted and dismantled, it may eventually generate enough fissile material to export. If unbounded, those programs will sow further doubts in Seoul and Tokyo about relying on Washington for their security, only making alliance relations more difficult to manage.

However reluctantly, the Obama administration is now inching back to the negotiating table. Talks might work but only if Washington and Seoul are committed to sustained political and economic engagement and a peace process in Korea. That remains to be seen. **ACT**

ENDNOTES

- 1. Among the signs were Kim Jong Il's designation of his third son, Kim Jong-un, as his successor and the elder Kim's directive on the son's nomination to the leadership of the Workers' Party of Korea. See "N. Korea Leader Names Third Son as Successor: Sources," Yonhap, January 15, 2009. Another sign was the promotion of Kim Jong Il's brotherin-law to serve, in effect, as regent.
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- 22. The Cooperative Threat Reduction program is commonly known as the Nunn-Lugar program after its original cosponsors, Senators Sam Nunn (D-Ga.) and Richard Lugar (R-Ind.).