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The Korean Conundrum: Moderating Expectations and Containing Nuclear Extortion

1. Introduction

Over the past sixty years the Korean peninsula has been one of the security hotspots in East Asia, witnessing major conventional warfare, asymmetrical terrorist attacks and a tense deterrent situation in one of the most militarized regions of the world. Today, limited military contingencies are possible but unlikely. Over the past decade, the North Korean regime has acquired and quadrupled its nuclear weapons capacity, which, barring large-scale internal or external shocks enables the regime to survive in spite of a crippling economic and food crisis, signs of political instability and a dilapidated conventional military force. North Korea may threaten to launch a two-staged inter-mediate range ballistic missile, engage in weapons proliferation, both conventional and nuclear with states and non-state actors, and provoke distress by berating neighboring South Korea, Japan and the United States, but essentially it remains a weak state (Foreign Policy 2008). To understand this paradox, one has to acknowledge that the North Korean regime has excelled in a “*parasitic strategy*” – a consistent and rational use of military and diplomatic brinkmanship unlikely to be changed from outside anytime soon.

The evolution of the security challenges on the Korean Peninsula since the inauguration of Bush-Jr. administration illustrates this phenomenon very well. Facing an ABC-Policy (Anything-But-Clinton) by the Bush administration, the Kim regime first proved to be able to extract additional support from Beijing and Seoul and then, after using the Iraq campaign in the summer of 2003 to bolster its nuclear deterrent, it successfully blackmailed the Bush administration back into a more co-operative stance (Pritchard 2007; Chinoy 2008).

As a consequence, the past decade has been one of great ambivalence for North Koreans: one of unprecedented experiments with market

mechanisms and sudden reversals towards the inefficient public distribution system and a decade of substantial politico-military achievements for the Kim regime. Pyongyang secured long-term life support by PR China (energy, food, etc.) despite the People’s Republic opening towards Seoul and the Kim regime expanded its military (nuclear) deterrence vis-à-vis Washington in conjunction with diplomatic negotiations to reverse this very course.

This paradox security trajectory was established during the Clinton administration, when the then *Great Leader*, Kim Il Sung, defused the first Korean nuclear crisis in 1994 by extracting two nuclear light-water reactors, energy support and promise of diplomatic normalization in exchange for freezing North Korea’s civilian plutonium program in Yongbyon (Sigal 1998; Wit et al. 2004).¹ From this perspective, the Korean Peninsula Energy Development Organization (KEDO), which administered the resulting Geneva Agreed Framework of October 21, 1994 (AF), the bilateral negotiations to end the DPRK ballistic missile programs and proliferation and the all too common threats towards “the rogue state North Korea” were all part of a consistent diplomatic pattern that consolidated rather than transcended the DPRK’s parasitic grand strategy. The co-operative strategies (by the Clinton administration and the wider international community, e.g. countries which participated in the KEDO scheme) taught the North Korean elite that it could “*sell threats in exchange for aid*”. The threatening rhetoric by liberal imperialist and conservative regime critics, in particular in the Bush administration, taught the North Korean regime to hedge for the event that Washington would forego its promises.²

At the root of the parasitic strategy, of course, lies a domestic regimes structure that co-opts military

and political elites outside the Kim clan by gratifying their needs and interests. By instrumentalizing provocative security actions, such as missile or nuclear tests, threats against commercial aircrafts or fishermen, or engaging in illicit activities such as proliferation and drug trade, the regime antes threats and receives benefits when backing down. Hence, the more the external environment adapted to the parasitic

strategy by cooperating and threatening, the less likely substantial reform within the North Korean system became, because the regime could use this dualism to stabilize itself. At this point, there is no immediate reason to believe any of this will change soon, even though the specter of a sudden death of the *Dear Leader* Kim Jong-Il (KJI) looms large over North Korea (Stares/Wit 2009).

2. The argument

Most policy pundits and scholars do not see it this way and, as a result, policies (and scholarly) writings on the North Korean conundrum reveal a considerable gap between reality and rhetoric. On the one hand, decision makers (and apologists) of the Bush administration, remain wedded to the idea that the most powerful nation in the world can force regime change in North Korea, either strangulating the rogue nation economically or militarily into submission. Few commentators explicitly acknowledge holding such a view,³ but it is implied in the widespread tendency to inflate the threats posed by the North Koreans to legitimate forceful action (e.g. Bolton 2007), thereby feeding Pyongyang's paranoia. On the other hand, an equivalent tendency is to criticize the lack of substantive progress in the Six-Party-Talks (SPT) which have succeeded the KEDO process and also aim at a denuclearization of the Korean peninsula. This position holds that a debilitating insincerity in negotiations with the North Koreans on the US part that in turn has bred the non-compliant behavior in Pyongyang.

Up to now a combination of ambition for regime change in the US and alarm about the implications of regime change among its neighbors spawned the international communities approach towards North Korea. Yet its is now clear that the efforts to either force or persuade Pyongyang into policy constraint failed miserably: after years of talks the DPRK government holds a nuclear arsenal of some ten plutonium-based nuclear weapons (of dubious quality) and despite the ongoing Six-Party talks the DPRK is close to reviving its plutonium facilities in Yongbyon and able to reap external aid nonetheless. Also, while the food crisis became more severe in 2008 and

evidence mounted that security forces cracked down on domestic protests, the DPRK government demanded and received assurances by the conservative South Korean government to restrain groups sending propaganda leaflets by balloons to the North (Haggard/Noland 2009: 102).

In light of these developments, a third, modest middle course deserves attention, which is set forth in the latter part of this chapter. In this perspective, multilateral talks in the Six-Party framework are quite successful in stabilizing the detrimental regional effects of North Korea's nuclearization. So far, neither South Korea nor Japan (or Taiwan for that matter) have started in earnest nuclear weapons programs or engaged in armament activities which may ignite regional arms races. In fact, close US-Chinese cooperation on the North Korean issue has been one of the main stabilizing pillars of this vital bilateral relationship for the region (Kreft 2009: 220-221). However, trilateral cooperation among the US and its regional allies has suffered from the Bush administrations negligence and poor diplomacy between Seoul and Tokyo. Also, it appears that the Six Parties have had only modest success in limiting North Korea's non-conventional proliferating behavior⁴ and US pressure to secure a verified and comprehensive denuclearization in a written protocol, involving a much debated North Korean uranium enrichment program as well as the location of existing nuclear war heads, were counterproductive. Setting high demands for North Korea calls for a high price to be asked by the regime.

Therefore, throughout my central thesis is that modest policy goals, which are shared by all six

parties and their respective domestic ratifying legislative majorities, will beget a moderating influence on North Korea's parasitic behavior. Engagement with the regime should be conditioned and goals limited. This strategy of political containment – reminiscent of a strategy propagated by George Kennan at the outset of the cold war – rests on the assumption that the regime will transform because of its internal contradictions, not outside pressure. Containing nuclear extortions therefore starts with focusing on the most pressing military threats: expansion of the DPRK PU-based nuclear weapons potential and subsequent proliferation activities in other regions, most notably, the Middle East and South Asia. In addition, it takes a longer-term and broader perspective towards North Korea by effectively preparing for the eventual demise of the Kim regime.

The remainder of the chapter is structured as follows: In the third section, a brief review of the current multilateral negotiations is given and a short overview of the critical nuclear technical questions is presented. It is argued that because all abutting countries plus the US share a vital interest in a non-violent regime transformation, these interests call for restraint when bringing to bear diplomatic and military means to tip the domestic balance within North Korea towards reform. Raising expectations domestically to legitimate cooperative behaviour regularly backfires when North Korean negotiators scent opportunities for extortion of benefits. The last section discusses several scenarios for the evolution of the Korean conundrum against the background of recent political and economic developments.

3. North Korea as a Nuclear Weapon state: you fooled me once..., you fooled me twice...

Historically, North Korea's main impetus for a nuclear weapon has been insecurity. Major steps towards a deterrence arsenal have followed the US threat to use nuclear weapons during the Korean war, the Soviet Union's conduct in the Cuban missile crisis, South Korean attempts in the mid-70s to launch a nuclear weapons program and the demise of Cold War and the subsequent doubts in Chinese allegiance in the bilateral security treaty (Mazarr 1995; Reiss 1995). In each case, most analysts agree, North Korea's *Juche* ideology of self-reliance amplified its insecurity complex, leading to decades of clandestine technology and material acquisition both from states (China, Soviet Union) and non-state actors (the A.Q. Khan network) (IISS 2004). During the 1990s, estimates from intelligence services and analysts suggested that Pyongyang held weapons grade plutonium for one or two crude nuclear devices or even four to five functioning nuclear war heads (Norris et al. 2003). In 1994, the DPRK and the Clinton administration negotiated a bilateral agreement, the *Geneva Agreed Framework* (AF), that foresaw a continuing freeze of North Korea's plutonium activities in exchange for energy support and the delivery of two less proliferation-prone Light-Water Reactors by 2003. The implementation of the AF was done by the multinational energy

consortium KEDO, verification issues were dealt with bilaterally but ultimately would be provided by the IAEA (Harnisch/Maull 2000).

After the AF security objectives still figured prominently in Pyongyang's policy vis-à-vis KEDO, but commercial interests played an important and increasing role in the negotiations on the limitation of Pyongyang's ballistic missile program, proliferation and other illicit activities. In December 2000, the outgoing Clinton administration came very close to settle for a comprehensive deal with the Kim regime, involving a possible Presidential visit and clear brakes on missile production and proliferation. The proposed deal did not materialize, because the incoming Bush administration voiced opposition (Chinoy 2008: 36-42).

The economic objectives help explain why North Korea started a uranium-enrichment program in earnest (most probably) in 1997 (Harnisch 2003: 156). While the program makes not much sense in military terms, because the PU-based program was much more advanced, if frozen, at the time – it did make some economic sense: Pakistani uranium technology could be easily bartered for missile technology with the Khan network and Pakistan and uranium enrichment technology appears to be more readily saleable to other

proliferators such as Iran (Braun/Chyba 2004; Harnisch 2006; Corera 2006). In addition, US compliance with the AF became increasingly tied to other DPRK proliferating behavior. Thus, uranium enrichment activities could well be traded in the future to elicit extra benefits from the US and neighboring countries (Martin 2007).

The decision of the Bush administration to address DPRK LEU uranium activities in the summer of 2002 rested on the assumption that the program *“again proved that North Koreans were cheating”* and therefore US compliance with the AF should be suspended (Harnisch 2002; Carlin/Lewis 2008: 11). While this is certainly true – compliance with the DPRK-ROK denuclearization agreement of 1991, which forbids uranium enrichment and PU reprocessing – is part and parcel of the AF – it is worth asking why the DPRK would invest in a second nuclear weapons program that is much less advanced than the one they agreed to freeze under the AF. A rational, if cynical, explanation of the DPRK behavior would suggest, that the Kim regime tried to *“sell a much less advanced nuclear (weapons) program again to the Bush administration.”*

The Bush administration did, however, not engage in talks over the LEU program in the fall of 2002. Instead, it first suspended energy shipments to North Korea and then, after the DPRK had evicted IAEA monitors and restarted the PU facilities in Yongbyon, the US withdrew from the KEDO project altogether. In hindsight, the US suspension of KEDO and consequently the freeze of the DPRK PU program became an own goal for the Bush administration. In the summer of 2003 Pyongyang rushed to produce enough weapons grade PU in a first reprocessing campaign while US troops were (house) searching for WMD programs in Iraq (Pritchard 2004). In addition, Pyongyang started its 5-MW reactor producing a second batch of fuel rods for another reprocessing campaign thus producing of up to 30-50 kg of weapons grade PU in total.5 Alarmed by Pyongyang’s rush to nuclear armament, neighboring countries urged the Bush administration to re-engage with Pyongyang and aligned themselves with the State Department’s East Asia specialists, who were in favour of further negotiations (Chinoy 2008: 154-157; Pritchard 2007: 567-65).

Table 1: Results of the Six-Party Talks (2003-2009)

| Round | Date | Achievements |
|-------|--|--|
| 1 | August 27 - 29, 2003 | |
| 2 | February 25 - 28, 2004 | Chairman statement only |
| 3 | June 23 - 26, 2004 | Chairman statement only |
| 4 | July 26 - August 7, 2005 (session 1) September 13 - 19, 2005 (session 2) | Joint Statement, Sept. 19, 2005 DPRK pledges to dismantle nuclear program for incentives; US commits to eventual normalization |
| 5 | November 9 - 11, 2005 (session 1) December 18 - 22, 2006 (session 2) February 8 - 13, 2007 (session 3) | US announces bilateral financial sanctions; Joint Document for Initial Action February 13, 2007 |
| 6 | March 19 - 22, 2007, resumption from July 18 - 20, 2007 (session 1) September 27 - 30, 2007 (session 2) July 10 - 12, 2008 (session 3) July 23, 2008 (informal meeting of the Foreign Ministers in Singapore) December 8 - 11, 2008 (session 4) | Joint Document of Second Phase Actions, October 3, 2007: DPRK promises freeze, verification and eventual dismantlement of its PU facilities, in exchange for energy transfers and a US promise to take the DPRK from the list of terrorist sponsoring countries |

In the heretofore six rounds of the Six-Party Talks, the United States moderated some of its rhetoric – turning to transformation instead of

“regime change” and endorsing South Korea’s peace and prosperity policy (Harnisch/Wagener 2009). It also showed greater flexibility in

implementing its concept of “*complete, verifiable, irreversible dismantlement*” (CVID) during the fourth round of talks, leading to the Joint Statement of September 2005, in which the DPRK pledges to dismantle its nuclear programs in return for various incentives including the right to peaceful use of nuclear energy (Joint Statement 2005). However, Washington in subsequent talks never “*granted negative security assurances*”, held steadfast to the principle “*disarm first, rewards later*” and embarked in the winter of 2005 on a bilateral financial sanction strategy that was denounced by North Korean negotiators as the attempt to “strangulate the Kim regime”. A US negotiator confirmed this perception in November 2005 when he stated as much as: “They are going to have to surrender the program anyway, so I’m not going to pay them for the same thing twice (cited in Kahn 2005).”

In June 2006, North Korea tested several different missile designs and then, despite considerable pressure from Beijing, a nuclear device on October 9th, 2006. The test may not have been an unequivocal success from Pyongyang’s point of view, because it left open, whether North Korea is able to mount a miniaturized war head on one of its intermediate range missiles,⁶ but the test clearly bolstered the DPRK’s nuclear deterrence posture and its potential for proliferating sensitive weaponization know-how and material (Chanlett-Avery/Squassoni 2006). As a consequence, the Bush administration in late 2006 reversed its negotiation tactics and allowed for bilateral US-DPRK talks. In addition, Washington freed 25 Mio. US\$ owned by North Korea, which had been “frozen” in the Macau-based “Banco Delta Asia” (BDA).

The so-called Berlin Talks between US Chief negotiator Christopher Hill and his North Korean counterpart (January 16-18th, 2007) then set the stage for a „*Denuclearization Action Plan*“ (February 13th, 2007) of the September 2005 Joint Statement.⁷ The Denuclearization Action Plan of February 13th, and the subsequent „*Second-Phase Actions for the Implementation of the September 2005 Joint Statement*“ (October 3rd, 2007) did follow the well-known pattern of the Agreed Framework, except for the multilateral character due to the direct involvement of China

and other neighboring countries: the DPRK promised to first freeze, then allow for verification and finally dismantlement of its Plutonium facilities, in exchange for energy transfers and a US promise to take the DPRK from the list of terrorist sponsoring countries (Harnisch/Wagener 2009).

The Bush Administration did not only change its tactics, when it agreed after years of denial to bilateral negotiations with Pyongyang. Over the two implementation agreements Washington first also delinked the North Korean removal from the list of states sponsoring terrorism from the issue of complete dismantlement and then second from the successful implementation of the disablement of the Yongbyon Plutonium facilities (Niksich 2009: 7).

North Korea also significantly changed its previous policy: Pyongyang agreed and started to implement the disablement of the fuel-fabrication plant, the 5-MW reactor and the reprocessing facility. On June 26th, 2008, the DPRK handed over 18.000 pages of reactor record documents and in July it blew up the cooling tower of the reactor, thereby completing the disablement phase up to 80%. However, when the US tried to relink the removal from the state sponsoring terrorism list to the confirmation of an intrusive verification protocol, the Kim regime threatened to restart its plutonium activities. In the end, the conditional removal of the DPRK from the list was announced on October 11th, 2008, but in subsequent bilateral talks and further meetings in the working groups of the Six-Party talks, negotiators were unable to settle for a concrete and written verification protocol, because North Korea would not allow for the most intrusive measures, such as environmental sampling, and resisted calls for an important role of the IAEA in verification (Pinkston 2009).

To sum up, over the course of his last year in office, the US President who had loathed the North Korean leader had not significantly lowered the bar for the Kim regime to normalize its relationship with the United States and International Financial Institutions.⁸ The Bush administrations policy had also allowed for a quadrupling of the North Korean nuclear capacity and a significant expansion of its missile program (for

the latter program cf. Pinkston 2008). This, of course, does not bode well for a quick, negotiated settlement of the verification issue under the Obama administration. As one North Korean

negotiator quipped recently: “*If we can have nuclear negotiations, why not missile negotiations?*” (Cited in Harrison 2009).

4. Future Regime Stability and the parasitic strategy: scenarios

The North Korean leadership has persistently offered to negotiate the freeze, disablement and eventual dismantlement of its plutonium weapons program, its missile program and to dispel concerns about its uranium enrichment activities. These offers came with a price attached. The United States, other Six-Party participants and the international community at large have learned to accept and support the current regime and to tolerate a nuclear North Korea. Starting from the assumption that the parasitic strategy has thus far successfully stabilized an internal balance of power structure, which involves the Kim family, the military and party leadership (Gerschewski/Köllner 2009; Robertson 2008), the most important risk for instability is a leadership void.⁹

Speculation about the regime’s survival first mounted, when the country’s paramount leader, Kim Il-Sung, died at the height of the first nuclear crisis in June 1994. It took the son, Kim Jong-Il, who had been groomed as a successor since the 1970s, considerable effort to stabilize his reign during a prolonged succession period. Only in 1998, with the 10th election of the North Korean Supreme People’s Assembly (SPA), a significant reform of the constitution and the establishment of the so called Military-First policy, *Songun*, was he able to put his own imprimatur on policy (Breen 2004: 46). In effect, *Songun* has reinterpreted the *Juche* strategy, self-reliance, by emphasizing the central role of the military to defend the state rather than to rely upon the working class (Park 2008). As a Kim Il-Sung University Campus Newspaper put it:

“to argue that the working class should become the mainstay of revolution at any time and any place is logically incorrect and is a dogmatic viewpoint of defunct theories ... the People’s Army is the nucleus leading our Socialist development.” (cited in Jeung 2007: 16-17)

News Reports in 2004 and again in August 2008 about the ill health of Kim Jong-Il have revived

debate about the effects of a continued impairment or death of the *Dear Leader*.¹⁰ When KJI failed to appear in public for an extended period in late 2008 and North Korea hardened its negotiation stance on the verification protocol, some policy pundits suggested that a leadership struggle may have been the reason why. However, Kim’s subsequent public appearances, the “successful” election for the Supreme People’s Assembly – KJI received 100% of the vote in the 333rd district – in March 2009 and the announcement of a satellite launch, led to a demise of speculation about Kim’s health.

The March 8th, 2009 elections however, stoked rumours about the beginning of a managed succession within the Kim Dynasty. While the oldest of the three sons, Kim Jong Nam is viewed as lacking stature, Kim Jong Un, the youngest was traded as the heir apparent and a likely candidate for the SPA.¹¹ Other family members with leadership potential include Kim Yong-Pil (KJI’s half brother and currently DPRK Ambassador in Poland) and Jang Song-Taek (KJI’s brother-in-law and long-time confidant). Thus far, there is no clear indication for a managed succession within the inner circle of the family and neither is there proof for a more formal collective leadership between factions in the family, military and party elite. The recent concentration of power in the National Defense Commission – Kim Jong-Il named all ten members (seven generals and three civilians) – suggests, that this collective may figure prominently in future succession, but it remains unclear as to how far this body will stick together or become the stage for a power struggle between different factions (Stokes/Wit 2009: 12-13).

In sum, rather than trying to directly influence the North Korean regime – and fail – the Obama administration and the party’s concerned should prepare themselves to set modest immediate

goals for the political containment of the ninth nuclear weapon state and install viable multilateral mechanisms for the eventual demise of the regime. Unfortunately, the current domestic situation in Japan, South Korea and the United States does not bode well for modest goals in the respective DPRK policies. In Japan, the government of prime minister Abe has a fragile parliamentary base and its North Korea policy has been taken hostage by the abduction issue. Similarly in South Korea, the presidency by Lee

Myung-Bak has been riveted by several scandals and public skepticism vis-à-vis close policy coordination with Tokyo and Washington. Finally, in Washington, the financial crisis, US deployments in Iraq and Afghanistan, as well as the election of many Congressmen unfamiliar with the Korean peninsula suggest, that an active, but modest, policy may not evolve, unless dramatic events redirect attention and lay bare the cost of feeding the parasitic strategy of the current regime in North Korea.

List of Abbreviations

| | |
|------|---|
| AF | Geneva Agreed Framework |
| BDA | Banco Delta Asia |
| CVID | complete, verifiable, irreversible dismantlement |
| DPRK | Democratic People's Republic of Korea (North Korea) |
| IAEA | International Atomic Energy Agency |
| IISS | International Institute for Strategic Studies |
| KEDO | Korean Peninsula Energy Development Organization |
| KJI | Kim Jong-Il |
| LEU | Low Enriched Uranium |
| MW | Megawatt |
| PRC | People's Republic of China |
| PU | Plutonium |
| ROK | Republic of Korea (South Korea) |
| SPA | Supreme People's Assembly, Parliament of DPRK |
| SPT | Six Party Talks |
| UN | United Nations |
| WMD | Weapons of Mass Destruction |

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Anmerkungen

- ¹ One could argue though, that DPRK alliance behavior always excelled on exploiting either the Soviet Union, the People's Republic of China or both.
- ² Cf. Noland 2009 for evidence that UN sanctions had no observable impact on DPRK trade.
- ³ In a rare and open-hearted statement Vice President Dick Cheney voiced: "*I have been charged by the President with making sure that none of the tyrannies in the world are negotiated with. We don't negotiate with evil, we defeat it.*" Cited in Hamish McDonald: Cheney's tough talking derails negotiations with North Korea, in: Sydney Morning Herald, December 22nd 2003.
- ⁴ DPRK involvement in the Syrian reactor destroyed by the Israel Air Force in September 2007 is a case in point. Recent reports also suggest an ongoing DPRK missile and nuclear technology cooperation with Iran, cf. Lin 2009; Nicksch 2009: 21-26.
- ⁵ In June 2008 North Korea declared that it had produced some 30 kg weapons grade PU. However, this declaration is still to be verified by international monitors, cf. Albright et al. 2008; Cooper 2008.
- ⁶ A forthcoming Report by the International Crisis Group suggests that the DPRK may now be able to mount a nuclear warhead on its No-Dong missiles, cf. Pinkston 2009:3.
- ⁷ Cf. Initial Actions for the Implementation of the Joint Statement, Beijing, February 13th, 2007, issued as „North Korea – Denuclearization Action Plan“ by the Department of State, <http://2001-2009.state.gov/r/pa/prs/ps/2007/february/80479.htm>), [13.03.2009].
- ⁸ US support for membership in IFIs is, among other conditions tied to the delisting from the state sponsors of terrorism list.
- ⁹ Other scenarios involve more mid- to long-term developments, especially another demise worsening of the already critical economic and food situation, cf. Scobell 2008.
- ¹⁰ Most accounts suggest that Kim Jong-Il suffered from a mild stroke when he failed to appear for the 60th anniversary of the DPRK founding, cf. Reuters, Kim Jong-Il had stroke, now better: French doctor, December 11th, 2008, <http://www.reuters.com/article/vcCandidateFeed2/idUSTRE4BA45L20081211>.
- ¹¹ Despite the Neo-Confucian culture in North Korea and the highly militarised nature of the regime, there are no clear-cut cultural barriers to a female leader. Two women have played an important role in the Kim family with regard to KJI: his mother, Kim Jong-Sook, who has been posthumously heralded as a revolutionary leader and Kim Ok, the current partner of Kim Jong-Il, cf. Robertson 2008: 10.