

**The changing dynamics of Conflict Resolution on the Korean peninsula:
The role of domestic politics in North Korea, the US and the PR China**

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Executive Summary

The paper examines the role of domestic politics in the patterns of conflict resolution on the Korean Peninsula. It concludes that the fragility of domestic ratification majorities in the states concerned contributes to mutual suspicion and frustrates efforts for a strong, stable and institutionalized conflict resolution. In effect, since 2006 the denuclearization of the Korean Peninsula has turned into an arms control regime administered by the UN Security Council.

Main Argument

Various pundits hold that recent military incidents on the Korean Peninsula can be traced back to the politics of dynastic transition in North Korea, suggesting that these incidents are merely further proof of an inherent regime dynamic towards nuclearization and provocation in North Korea. While there can be little doubt that the North Korean regime is seeking security through nuclear weaponization, this policy paper argues that recent tensions can also be understood as part of a larger pattern of incompatible policy interdependencies, stemming from the disparate domestic ratification groupings in the states concerned. Briefly analyzing the historical process of conflict resolution through the Geneva Agreed Framework (AF), the Korean peninsula Energy Development Organization (KEDO) and the Six-Party Talks (SPT), the paper first illustrates the diminishing institutionalization of conflict resolution and then identifies the recent trend in North Korea's conflict strategy to separate territorial issues (the Northern Limit Line, NLL) from questions of nuclear nonproliferation. The paper closes with a few lessons which can be learned from the North Korean case for the ongoing negotiations with Iran.

Policy Implications

- Policy makers on all sides underestimate how much domestic ratification issues militate against long-term, reliable nonproliferation or arms control agreement on the Korean Peninsula.
- The so-called “leap day agreement” (February 29, 2012), in this regard, should be interpreted as a barely veiled agreement to disagree on the question of ballistic missile testing, possibly for domestic purposes both in the US (presidential elections) and DPRK (leadership transition).
- Given the uncertainties of US ratification majorities for institutionalized conflict on the Peninsula, the Japanese and South Korean governments are well advised to intensify their policy coordination and refrain from instrumentalizing territorial issues for domestic purposes.
- China's leading role in the Six-Party Process and its recent reticence to censure the DPRK regime in the UNSC should be interpreted as being concerned with regime stability during the transition period in North Korea.
- Western policymakers should understand that China's delicate role playing as a “Responsible Great Power” in the international community and a “patron” to the DPRK regime often clash and require close policy coordination with neighboring states, especially South Korea and Japan.

1. Introduction¹

After the US led intervention to topple the Saddam regime in Iraq, the international community has employed similar conflict resolution mechanisms to contain the two nuclear crises on the Korean Peninsula and in Iran. In both cases, regional allies of the United States and neighboring states have initiated plurilateral negotiations to prevent military escalation and promote nonproliferation. In the North Korean case, the Six-Parties-Talks have not prevented North Korea from withdrawing from the NPT and testing nuclear devices, but concerted action by the states concerned have thus far averted a nuclear domino effect in Northeast Asia.

In Iran, the EU3+3 initiatives have forestalled a quick expansion of Iran's uranium enrichment capacity, but they have ultimately failed to halt technological advances in UE and heavy-water reactor development. With the situation in Syria boding ill for a peaceful resolution in the short- and medium term, a major military effort by Western powers will almost certainly influence Iranian decision making on whether to turn the "option for a nuclear weapon" into a "nuclear weapon capacity", a prospect in which North Korean nuclear exports to Iran may play a key role at some point in time.

This paper focusses on the North Korean case. It proceeds in three principal steps: the first examines the dynamic of diminishing institutionalization in conflict resolution on the Korean Peninsula. Section 2 probes and critically analyzes the February 29th "Leap Day Agreement". In section 3, I investigate the Chinese role behavior during the North Korean nuclear crisis, arguing that China's vested interests in "peaceful economic development", the stability of its Northeastern provinces and its visceral nationalism are the most important drivers. The conclusion focuses on the similarities and differences between the North Korean and the Iranian case

¹ I thank Miranda Böttcher for her research assistance.

2. The dynamics of conflict resolution on the Korean Peninsula: diminishing institutionalization

The international community has employed three different conflict resolution mechanisms to contain the North Korean nuclear program over the last two decades, each with different (and diminishing) levels of institutionalization.² Model 1, emerging in the 1993/1994 crisis and forming the basis for the Agreed Framework, was characterized by U.S. leadership, regularized US-DPRK negotiations, the provision of economic incentives and a strong institutionalization when measured by the specificity of nuclear commitments, the commonality of membership and the autonomy of the consortium established to administer the implementation.

The Geneva Agreed Framework (October 1994) laid out a three-step process of denuclearization: First, the DPRK is to freeze its 'graphite moderated reactors and related programs' (section I, paragraph 3). This includes halting the construction of the two larger reactors, shutting down the 5 MW reactor, the fuel-fabrication and reprocessing plants, and securing the 8,000 fuel rods removed in May 1994. The IAEA is to monitor this and the DPRK is to remain a member of the NPT. Progress is to be rewarded by improved economic and diplomatic relations, e.g. the establishment of liaison offices, U.S. negative security assurances and the lifting of trade barriers and sanctions within three months (sections I and II). The US is also to arrange for the construction of two light-water reactors (LWRs) by a target date of 2003 (IISS 2004: 39). Lastly, 500,000t of heavy fuel oil (HFO) are annually to compensate North Korea for the energy shortfall resulting from the freeze.

In the second phase, when 'a significant portion of the LWR project is completed, but before delivery of key nuclear components', the DPRK is to allow IAEA special inspections of the contentious waste sites in order to account for North Korea's pre-1992 nuclear record.

² The best accounts of the North Korean Nuclear Crisis are: Wit et al. 2004; Pritchard 2007; Chinoy 2008.

Concurrently, all fuel rods are to be removed from North Korea. In the final phase, the second LWR is to be completed and the Yongbyon site dismantled (IISS 2004: 10-13, 39; Martin 1999: 36f., 2002: 52f.).

To implement the delivery of fuel aid and the construction of the two LWRs, the Agreed Framework stipulated that the 'U.S. will organize under its leadership an international consortium' (sect. I, art. 1). This was achieved on 9 March 1995, when South Korea, Japan and the US founded KEDO. Essentially, the Agreed Framework allowed North Korea to trade the gradual uncovering of its nuclear past, including its actual nuclear weapons capacities, for external aid so as to stabilize the regime, a basic bargain which was also to be at the heart of the Six-Party Talks (SPT) begun in 2003.

The AF was a political agreement between executives without legally binding effects on respective parliamentary bodies or domestic groups essential for ratification. But the KEDO process involved an increasing number of legal and financial obligations for KEDO member states' parliaments, in particular the US Congress. Despite some technical process over the years (1995-2002), the KEDO project quickly ground to a halt, with both North Korea and the US time and time again trying to make meeting their obligations contingent on new and farther-reaching conditions. North Korea's offer to cease the export of delivery systems to trouble spots (South Asia, Middle East) and building activities in exchange for 'financial incentives' is a case in point. On the U.S. side, the 1994 newly-elected Republican Congress attempted to significantly broaden the North Korean agenda by introducing missile proliferation and human rights issues, and in turn making the Agreed Framework contingent on North Korean accommodation of these topics (Hathaway and Tama 2004; Martin 2002: 55-7). North Korean military provocations, such as 1996 submarine infiltration incident and the 1998 intermediate-range Taepodong-1 missile test, decreased the willingness to follow through on the agreement in the KEDO states. An attempt by the Clinton administration to revitalize the KEDO project by

proffering a comprehensive solution, including the question of delivery systems' exports, culminated in a series of high-level meetings in the Fall of 2000, with North Korean Vice Marshal Jo Myong Rok visiting the White House and Secretary of State Albright going to Pyongyang and meeting Kim Jong Il. However, despite this promising start, the initiative faltered in December 2000 and during the transition, due not least to the incoming administration's very different views on North Korea.

The breakdown of the Agreed Framework process in 2002 and 2003 made a Chinese-led regional approach and the creation of a case-specific nonproliferation regime by the UN Security Council possible (Model 2). Under the incoming Bush administration the KEDO project quickly entered troubled waters, with voices opposing any cooperation with so-called 'rogue states' quickly gaining the upper hand within the administration. After completing its North Korea policy review in June 2001, Washington now demanded the complete, verifiable, and irreversible dismantlement (CVID) of nuclear facilities. Furthermore, after the 9/11 attacks, the U.S. President announced in January 2002 that his administration would proactively counter states of the so-called 'Axis of Evil', which included North Korea. The UNSC's failure to sanction the DPRK's withdrawal from the NPT further exacerbated the U.S. disillusionment with multilateral approaches.

The breakdown of the AF and increasing U.S. unilateralism led to a Chinese multilateral initiative, focusing on multilateral talks with the aim of arriving at a regional, diplomatic solution to the conflict.³ Concurrently, the UNSC emerged as a much more active player during this phase, creating a case-specific nonproliferation regime to address the DPRK case. The combination of the increasing regionalization of the conflict under Chinese leadership and the concurrent creation of a case-specific nonproliferation regime marked the development of a

³ Against the background of heavy bureaucratic infighting in the Bush Administration, U.S. Secretary of State Colin Powell was instrumental in suggesting the format and Beijing's role as the host of the preliminary trilateral talks in April 2003(cf. Pritchard 2007: 62).

new approach to address the DPRK's nuclear program, because regime stability in the DPRK now hinged on Chinese (and increasingly South Korean) economic support while US transfers (especially those which required congressional action) declined .

The first four rounds of the SPT, which aimed at preventing – at least for the time being – any increase of the North Korean nuclear weapons potential and, in the long run, the complete denuclearization of the Korean peninsula (Harnisch and Wagener 2010), saw only very limited progress, at one point adjourning for more than a year while North Korea accelerated its nuclear activities and declared itself a nuclear power on 10 February 2005 (Nikitin 2009: 1). North Korea's neighbors South Korea, Japan, and China therefore repeatedly pushed the Bush administration to drop its CVID precondition in favor of a step-by-step approach. This resulted in the Joint Statement of 19 September 2005, which calls for North Korea to give up all its nuclear weapons and programs, return to the NPT at an early time, and comply with its safeguards obligations. In exchange, the US reaffirmed that it had neither nuclear weapons in South Korea nor any aggressive intentions towards North Korea. South Korea confirmed it possessed no nuclear weapons and that, in accordance with the 1992 'Joint Declaration of the Denuclearization of the Korean Peninsula', it would not strive to obtain them. All participants accepted North Korea's declaration that it had the right to peaceful uses of nuclear energy. Furthermore, they promised to discuss the delivery of LWRs (and thus the de facto resumption of the KEDO process) 'at an appropriate time' (Huntley 2007: 471).

The ink of the September 2005 Agreement had not yet dried when U.S. negotiator Christopher Hill had to read out a statement drafted by Vice President Cheney's office which made further negotiations contingent on conventional disarmament and progress on human rights (Rozman 2007: 610). Furthermore, administration hawks passed financial sanctions against the Macao-based Banco Delta Asia (BDA), which held North Korean accounts worth \$25 million, on 15 September 2005, i.e. during the fourth round negotiations (Bechtol 2009:

31). None of the charges leveled against the DPRK, including money laundering, counterfeiting, and other illicit activities, were new, so the timing indicates the hawks' reassertion of control (Pritchard 2007: 131). The financial sanctions were the main obstacle to further talks after the DPRK had sounded out the unchanged U.S. position in the first session of the fifth round in November 2005 (Moore 2008: 13).

Facing stiffened U.S. sanctions and the refusal to provide economic aid in exchange for a freeze, North Korea escalated the conflict again throughout 2006: After testing its Taepodong-2 missile on 4 July, the U.S. national holiday, and several other missiles the day after, North Korea detonated a small nuclear device yielding less than one kiloton on 9 October (cf. CNS 2006). This time around, North Korean provocations gradually galvanized international criticism, as reflected by the UNSC reacting promptly and increasingly in unison: In reaction to the missile test, the UNSC – albeit after considerable internal controversies pitting the US and Japan against Russia and China – passed resolution 1695 on 15 July 2006. It called on North Korea to suspend all missile-related activities, including production, export, and tests, and further called for its return into the NPT, the IAEA safeguards system, and the Six-Party Talks. The resolution furthermore mandated the cessation of all trade related to missile technology and weapons of mass destruction with North Korea.⁴

North Korea's announcement of a nuclear test on 3 October further closed the ranks: On 6 October, the UNSC President declared that the test would pose 'a clear threat to international peace and security', indicating its willingness and ability⁵ to act under chapter VII of the UN charter (President of the Security Council 2006).⁶ In response to the 9 October test itself,

⁴ The operational sections, however, were not based on chapter VII (Lee 2007).

⁵ As opposed to resolutions, Presidential Statements are not voted on and thus usually reflect consensus opinions (Aust 2010: 194; Talmon 2003: 431-5).

⁶ Chapter VII stipulates that the UNSC, having determined that there exists a threat to the peace, breach of the peace, or an act of aggression under art. 39, can impose sanctions (art. 41) or use military means (art. 42) 'to maintain or restore international peace and security' (art. 39). Crucially, actions taken under chapter VII are legally binding for all UN member states (art. 48).

the Council unanimously and with no abstentions passed resolution 1718. Explicitly acting under chapter VII (art. 41) of the UN Charter, it created a comprehensive and legally binding sanctions regime in order to contain and roll back the North Korean nuclear weapons programs, beyond the NPT and IAEA obligations no longer observed by North Korea.

With resolution 1718, the Council broke new ground. Acting under chapter VII, it demanded that North Korea 'return to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards', while simultaneously putting targeted economic sanctions in place. Demanding North Korea's return is, however, legally dubious, given that the NPT's depository nations and the Security Council never accepted North Korea's withdrawal in the first place (Fisler Damrosch 2009: 182). Still, the Council demanded that North Korea completely, verifiably and irreversibly abandon all nuclear weapons, nuclear weapons-, WMD and missile programs.

Effectively, the Council created a case-specific nonproliferation regime for a country demonstrably in violation of its safeguards obligations and the NPT, from which it had unilaterally withdrawn. What the Council did not do, however, is equally important: It did not impose comprehensive sanctions targeting the North Korean economy as a whole, which allowed South Korea and China to continue their extensive trade and investment activities. This also led Iranian President Ahmadinejad to claim that similar sanctions would not stall Iranian uranium enrichment 'even for a second' (cited in Kittrie 2007: 387).

2007 and 2008 saw some promising developments, culminating most graphically in North Korea blowing up the cooling tower of the 5 MW reactor in Yongbyon in May 2008, an image that went around the globe. Furthermore, the BDA funds were unfrozen and transferred to North Korea, the Yongbyon shutdown verified by the IAEA in June and July (Choe 2007a, 2007b; Cody 2007), and an agreement on how to proceed in dismantling the Yongbyon facili-

ties reached in October 2007. Eventually, the US even lifted the sanctions under the Trading with the Enemy Act.

Nevertheless, implementation ground to a halt in the Fall of 2008, with verification measures emerging as a potential deal breaker as the administration proposed an extensive and intrusive regime in July 2008, demanding access to facilities all over North Korea (Kessler 2008b; Nikitin 2010: 19). The DPRK rejected the draft, arguing that only the 15 facilities named in the nuclear declaration should be subject to inspections. President Bush decided not to remove North Korea from the list of State Sponsors of Terrorism on 11 August, pending progress on the verification regime. The DPRK reacted by halting disablement and on 18 September announced it would recommence reprocessing (Kessler 2008a, 2008b), asking inspectors to remove monitoring equipment and seals on 22 September (IAEA Director General 2009). Christopher Hill's trip to Pyongyang in early October resulted in an unknown inspection agreement, which led Bush to remove North Korea from the State Sponsors of Terrorism list on 11 October (Niksch 2009). Even though North Korea resumed disablement activities and allowed the reinstallation of monitoring equipment, the remaining months of the Bush tenure were marred by controversy over the exact content of the verification deal, especially concerning environmental sampling, which the DPRK refused to permit.

Given Kim Jong Il's alleged serious illness and the concomitant rumors over his succession, the crisis escalated once more in the Spring of 2009. In quick succession, North Korea declared all political and military agreements with South Korea and the 'Northern Limit Line' void - in the case of the 1953 armistice, for the fifth time since 1994 (Oh and Hassig 2010: 92). On 5 April it claimed to have launched a satellite into space on a long-range missile and reacted sharply when the UNSC's president criticized this as a violation of resolution 1718, declaring its intention to pursue uranium enrichment repeatedly in April, June, and September (KCNA

2009a, 2009b, 2009c, 2009d). Furthermore, North Korea conducted a second, more sizeable nuclear test on 25 May 2009 (ICG 2009) and medium-range missile tests on 4 July.

The second nuclear test resulted in the tightening of the existing sanctions regime through UNSC resolution 1874 (Nikitin, Chanlett-Avery, and Nanto 2010; Roy 2010: 5), which prohibits all North Korean weapons exports and authorized all states to board and inspect suspicious vessels. This amounts de facto to a multilateralization of the 2003 US-led Proliferation Security Initiative (PSI) (Newman and Williams 2005), without, however, creating new grounds for inspections: The resolution explicitly refers to existing international law and makes inspection contingent on ‘convincing reasons’ of the inspecting state, and the assent of the state under whose flag the ship is registered or in whose waters the inspection is to occur (Padilla n.d.).

The will of North Korea’s neighbors to provide convincing reasons and their ability to force suspicious vessels into ports will be decisive for the resolution’s implementation. India and Pakistan, both important transit states, have cooperated, but China’s implementation of the resolution remains less certain – as is underscored by the burgeoning trade between the two countries, which has been unaffected by sanctions (Haggard and Noland 2010: 541, 557). North Korea’s use of cargo airplanes further complicates interdiction, as these cannot be inspected after takeoff and some modern airplanes could reach e.g. Iran without refueling, during which weapons deliveries have previously been intercepted (e.g. in Bangkok, 11 December 2009) (Nikitin, Chanlett-Avery, and Nanto 2010: 6f.). This is further exacerbated by the likelihood of North Korea transporting high-value cargo by air rather than sea (Panel of Experts 2010: 24f.).

North Korea is suspected to have exported nuclear technology to inter alia Syria, Iran, and maybe Burma during its NPT membership until January 2003. These states then used it in undeclared facilities, i.e. without the safeguards mandated by the NPT (Albright et al. 2010;

Htut 2010; Lin 2008). If this is case, North Korea violated art. III, para. 2 of the NPT. If one is of the opinion that North Korean membership in the NPT did not end in 2003, the since-proven cooperation with Syria on its Al-Kibar reactor would be a further violation of the NPT. At the very least, however, UNSC resolution 1718 (14 October 2006) forms a legally-binding prohibition of the export of nuclear technology and material by North Korea (Joyner 2008).

Against the background of the delicate politics of regime transition in the DPRK, China's leadership has deliberately limited its cooperation with the United States and the parties concerned in the Security Council. First, the Council has to date not directly addressed the cooperation between North Korea and Syria. The Al-Kibar case thus far rests with the IAEA. Nonetheless, the Council did react indirectly by acquiescing to the Israeli preventive strike on the facility on 6 September 2007, as did the majority of the international community. Legally speaking, the Council thus accepts that a nuclear-weapon state outside of the NPT (Israel) can take military action against a non-nuclear-weapon state within the NPT (Syria) that has probably violated its safeguards agreements (Spector and Cohen 2008). Political considerations, especially sending a signal to Iran, may have led the Council to accept this illegal behavior (Asharq Alawsat 2008).

Nevertheless, the Council would probably not condone unauthorized military actions against safeguards violators – neither Israel nor the US have claimed that Syria wanted to build nuclear weapons, let alone attack Israel in the near future. The fact that North Korea reaffirmed its promise not to export nuclear material, technology, or know-how as part of the agreement of 3 October 2007 can only partially cover up the fact that the Council lets third states (Israel) enforce its legally-binding resolutions when it is internally divided (Weitz 2008).

The Council also remained divided over the question of whether and if so how it should respond to the sinking of the South Korean corvette Cheonan on 26 March 2010. The South Korean government accused North Korea of having torpedoed and sunk the Cheonan,

which was close to the Northern Limit Line during a maneuver at the time, which the North Korean military summarily denies (KCNA 2010; The Joint Civilian-Military Investigation Group 2010). South Korea maintained that the SPT should be suspended for the time being and the UNSC involved. Just as in the case of enforcing the sanctions enshrined in UNSC Res. 1718 and 1874, China advocated a policy of restraint and rejected further sanctions (Global Security Newswire 2010).

When North Korean artillery deliberately shelled the South Korean island of Yeonpyeong, the initial Chinese reaction was guarded: asking for restraint and verification of the circumstances. Later on, Beijing called for an emergency meeting of the SPT while South Korea and its allies pressed for formal involvement of the Security Council and additional actions against the perpetrators (ICG 2011: 4). Obviously, the outgoing PRC leadership is (for now) hesitant to confront the incoming DPRK leadership with the consequences of its escalatory strategy. Thus, in a similar vein, Beijing failed to condemn the April 13th missile launch as a clear violation of UNSC Res. 1874 when it made clear that it would only support a Presidential statement and a further involvement of the Sanctions Comte. but no additional UN SC Res. (see below).

Table 1: Diminishing institutionalization of Conflict Resolution on Korean Peninsula

	Commonality	Specificity	Autonomy	UN SC
Agreed Framework	Bilateral + Consortium Implementation; Political + legal	Growing specification through KEDO Protocols	Plurilateral Consortium without DSB; IAEA involvement	Abstention
September 2005	Minilateral political understanding	Growing specification leads to breakup	Bilateral Implementation; limited IAEA input	Abstention
Leap Day Agreement	Parallel unilateral political statements	vague understanding	No third party involvement	Growing involvement + PRC veto

3. The Leap Day Agreement: or those famous three little words

A U.S. delegation has just returned from Beijing following a third exploratory round of U.S.-DPRK bilateral talks. To improve the atmosphere for dialogue and demonstrate its commitment to denuclearization, the DPRK has agreed to implement *a moratorium on long-range missile launches...*(DOS 2012).

The so called “Leap Day Agreement”, reached between Washington and Pyongyang on 29 February, 2012, marks a new phase in the de-institutionalization of conflict resolution mechanisms on the Korean Peninsula. As such it symbolizes not only the poor status of formal affairs between the countries, which have been talking about a “normalization of (diplomatic)

relations” for almost two decades: the Leap Day Agreement is also a telling example of the fragile state of trust and confidence building through compliance with political agreements that do not even require parliamentary ratification.

To begin with the two parallel unilateral announcements stipulated that the DPRK would suspend long-range missile launches, nuclear tests and activities at its major nuclear facility at Yongbyon, including uranium enrichment. The North Korean side also agreed to allow the return of IAEA inspectors to monitor the moratorium of enrichment activities at Yongbyon (KCNA 2012). In return, the US agreed to finalize the delivery of 240,000 tonnes of food to the DPRK, aimed specifically at benefiting those suffering from chronic malnutrition (DOS 2012). US Secretary of State Hillary Clinton welcomed the agreement as a “first step” while the DPRK stated that it was in both sides’ “mutual interest to ensure peace and stability on the Korean Peninsula” (BBC 2012).

Central to the understanding of the Leap Day Agreement is the negotiation history and the structure of the agreement. According to members of the US negotiation team, the broad outline of the deal had already been set in July 2011 at the first meeting of the two parties. In addition, it was known to US negotiators in December 2011 that the DPRK leadership was committed to the launch of a “satellite” and that the late “dear leader Kim Jong-Il” had made that decision. Public sources confirm that the US delegation let it be known to their DPRK counterparts at the third meeting in Beijing (February 2012) that any “launch involving missile technology” would be regarded as a ‘deal breaker.’⁷

Against this background, only a few interpretations may explain why the US delegation “reached and announced an agreement” by way of a unilateral statement which left the crucial question of a “satellite launch” deliberately vague. The first interpretation foresees that the DPRK negotiators (all of which came from the Ministry of Foreign Affairs) had internally

⁷ Interview with member of the US delegation, Congressional testimony, Dr. Peter Lavoy, April 30th, 2012.

agreed to reach a deal on nutritional aid in the centennial year of the Great Leader without having been able to secure an agreement between the different factions – most notably the military – on skipping the missile launch (Fitzpatrick 2012). A second educated guess suggests that the US delegation wanted to test the new leadership of the DPRK to assess whether it would be able to reverse a decision taken by Kim Jong Il. The last interpretation holds that the US team anticipated that the DPRK leadership would stick with the launch decision. In this case the US could close ranks with its allies in the region more closely and call for a “tough course of action against a serial perpetrator” in an US Presidential election year.⁸

No matter which of these interpretations comes closer to the truth, the US confirmed on 28 March that it would put plans to provide food aid to the DPRK on hold if the DPRK went ahead with the satellite test. In response, Pyongyang said that the US decision was an “overreaction”, reiterating that its “scientific and technological satellite” was for peaceful purposes and criticizing the US and other “hostile forces” for calling it a missile launch. Faced with international condemnation following the launch, the DPRK announced that it was no longer bound by the ‘Leap Day Agreement’ (KCNA 2012).

In hindsight, the Leap Day Agreement may thus well be interpreted as the start of a yearlong period of increasing risk and uncertainty on the Korean Peninsula. First, the upcoming Presidential elections in South Korea, the United States and the leadership transition in China do not bode well for sustained attention to the armistice agreement and its implementation. While this holds true for the NLL, the recent seizure of Chinese fishing boats in the Yellow Sea (in May 2012) indicate that the North Korean regime is not hesitant to provoke its erstwhile ally to press for political and or economic favors (Petrov 2012).

⁸ Alternatively, some pundits have suggested that one of the key negotiators, a Republican may have wanted “to set the Democratic President up” in an election year, so that he would appear overly optimistic on striking deals with autocracies.

4. China and the North Korean Nuclear Weapons Program: a troubled leader

The People's Republic of China has employed three different approaches to prevent North Korea from acquiring nuclear weapons since the end of the Cold War.⁹ Each of them is characterized by a slight shift in China's role conception and its respective positioning vis-à-vis several significant other states. The first approach was animated by China's traditional role as an ally during the Korean War (Chen 2003). It lasted until 1993/94, when the PRC began to support IAEA and UN Security Council Resolutions (UN SC 825) which called for bilateral negotiations between the DPRK and the parties concerned to effectuate a continued membership of the DPRK both in the IAEA and the Non-Proliferation Treaty. In June 1994, the first phase came to an end when Beijing, reflecting pressure by both the United States and Seoul, abstained from a vote in the IAEA on the suspension of technical cooperation between the Organization and the DPRK, thereby signaling that Beijing may not veto a Security Council resolution condemning North Korea for starting to reprocess 8014 fuel rods which could be turned into weaponized plutonium for five to six nuclear devices.

Towards the end of the first phase, the People's Republic had opened diplomatic relations with South Korea and thus "enabled" the two Korean states to enter the United Nations in 1992. While Chinese economic and political support had oscillated over the decades, the Sino-Soviet rapprochement in 1989 and the diplomatic recognition of South Korea in 1992 dramatically shifted Beijing's fraternal relationship with the North Korean regime. In fact, although North Korea was suffering from one of the worst economic and food crisis in the mid-1990s, China insisted on substituting commercial prices and transactions for the free or subsidized transfer of grain, petroleum and coal to North Korea (ICG 2006: 3).

⁹ In Chinese strategic thinking the conflict on the Korean peninsula is viewed as a "core problem" (*hexin wenti*), cf. Kim 2001: 372.

China's second role approach towards the North Korean Nuclear crisis was developed and used from 1996 to 2003 when the DPRK and the US cooperated in the Korean Peninsula Energy Development Organization (KEDO) to implement the Geneva Agreed Framework (AF). The PRC supported the KEDO process in the UN Security Council and the IAEA Board of Governors, despite the fact that Beijing was not part of the KEDO consortium and that part of the AF and KEDO regime substituted and suspended the existing NPT-IAEA nonproliferation regime. Under these new auspices, the Chinese government even attempted to actively support the engagement strategy of the Clinton administration when a North Korean military provocation in 1996/97 led to the establishment of the so-called Four Party Talks which ultimately failed (Harnisch/Roesch 2011). Phase 2 came to an end when the Bush administration, against the background of the September 11 attacks, shifted its focus towards challenging so-called 'Axis of Evil' regimes in early 2002. When parts of the Bush administration sought to confront the North Korean regime by probing its compliance with the AF, the KEDO process collapsed despite various initiatives by neighboring US allies Japan and South Korea to uphold it (Harnisch 2002).

The third Chinese approach, which is by far the most active and progressive, arose from the wreck of the KEDO process and the subsequent DPRK withdrawal from the Nonproliferation treaty (January 10, 2003). During this phase China became the main protagonist of the Six-Party-Talk process for the denuclearization of the Korean Peninsula (Kim 2006: 107). At the same time, China dramatically shifted its economic and financial support to become the single most important external economic backer of the Kim regime (Glaser et al. 2008: 11-12).

The change in China's North Korea policy took place when the neoconservative turn in the Bush administration's foreign policy sounded alarm in Beijing and Pyongyang (Kim 2005: 7). Indeed, only days after President Bush's (infamous) 2002 State of Union address, the PRC foreign ministry publicly warned the DPRK that "consequences will be serious if [the United

States] proceeds with this kind of logic” (cited in Wu 2004: 40). Since then, the fear of mutual provocations between an unreliable hegemon and an unreliable client state have driven China’s “active mediation role”. Following the conflict patterns between the two main protagonists, Beijing played the mutual complementary roles of an initiator, host, facilitator, consensus-builder and deal-maker at different times during the Six-Party Talks (Cai 2010; van der Putten 2008).

Some pundits have suggested that China’s positioning during the Six-Party talks have followed an elaborate anti-hegemonial design (Rozman 2007: 143; 2011). But the track record suggests otherwise: We argue that Beijing’s repeated criticism may also be read as an attempt to stabilize the situation against the background of the unfolding US regime change agenda vis-à-vis the “axis states”. In this view, the PRC seeks peace and stability on the Korean peninsula and applies a policy of no war, no nukes, no refugees, no collapse and no instability (Kim 2005: 9). More specifically, for the PRC leadership, the stability of the PRC-DPRK border region - a thousand mile stretch with border installations - is of particular concern since both China and (South) Korea hold a historical claim on the adjacent Chinese border region in which up to 300,000 ethnic Koreans live (Gries 2005; Jermaine 2011).

Against the background of a smoldering identity conflict with the (North) Koreans, the Chinese negotiators were eager to prevent the 2002/2003 crisis from escalating any further. Therefore, Beijing offered additional economic assistance for the return to the 2nd round of the talks in February 2004. When the US and DPRK delegation struggled over the concept of “Complete, Verifiable and Irreversible Dismantlement” (CVID), the Chinese chair secured the completion of the round by issuing a Chairmen’s statement. Again in February 2005, when both the US and DPRK held strongly opposed views on the scope and sequence of the nuclear dismantlement effort, the Chinese chair prodded both parties to the table and urged them to

reach a “reasonable” agreement which included a negative security assurance for Pyongyang and plausible denuclearization process for Washington (Kim 2005: 14-15; van der Putten 2008: 67).

If the Six-Party Talks and the September 19, 2005 Joint Statement displayed a fragile stability and thus security for China’s new “mediation role” and “enhanced self”, the DPRK’s test launch of various missiles on July 5th and the subsequent first test of a nuclear devices on October 9th 2006, despite Chinese public warnings, dramatically called these newly won social positions into question. The Beijing leadership reacted swiftly and substantially by revoking China’s veto in the UN Security Council which subsequently led to the establishment of a tailor-made sanctions regime against the diffusion of the North Korean Nuclear Weapons program (Zhu 2006; Harnisch/Roesch 2011). Speaking in role theoretical terms, the Chinese leadership accepted its limited leverage on the DPRK and opted to address the fallout within the framework of the existing UN system. As a consequence, China’s new mediator role became tied to the established international order and subsequent changes in that role setting would effectuate substantial losses in both reputation and “ontological security”.

Meanwhile, a fourth Chinese role shift is taking place on the Korean peninsula. It arises from the wreck of DPRK military brinkmanship over the past two years, beginning with the second nuclear test in May (25th) 2009. During this period, the DPRK leadership – which is in transition since the late dear leader Kim Jong Il suffered from a stroke in Autumn 2008 – successfully altercasted the PRC into a grudging backer of its brinkmanship strategy to trade the relaxation of tensions against the transfer of economic benefits. By shelling the island of Yeonpyeong and sinking the ROK covette Cheonan North Korea has practically foregone, for the time being, making South Korea its new patron (Harnisch/Roesch 2011: 354).

In its relationship with Beijing, the transitional leadership in Pyongyang has taken advantage of its international and domestic potential to wreak havoc in a sensitive region in and close to the PRC. Since the disastrous currency reform in November 2009 and the emergence

of a new leadership in 2010 there have been deepened Chinese concerns about stability in the DPRK (ICG 2011). It is noteworthy, however, that while the Chinese side had rejected any stabilizing mediation in the case of the Cheonan sinking, that in the case of the Yeonpyeong shelling, the Chinese interlocutor, Wu Daiwei, called for an emergency meeting of the Six-Party Talks, thereby putting DPRK in the position of a legitimate dialogue partner rather than an instigator of armed conflict (Ibid.: 5).

In this new phase of Chinese role taking, regime stability in the DPRK has shifted further up the priority list in Beijing, even if this comes with a price tag attached; the loss of credibility as an impartial interlocutor of the Six-Party Talks. This new emerging role is based on the assumption that the “ontological security” of China’s regime is better served through “peace and stability” on the Peninsula, which is viewed as a precondition to the “peaceful development” of Chinese society itself (ICG 2009: 8-9).

In sum, as the North Korean case makes clear, China’s role taking is not a one-way socialization by either the United States as the “significant other” nor by any “organized other”, such as the UN or the Six-Party Talks; the PRC leadership is willing to accept the negative altercasting effects of DPRK behavior as long as so called “core interests”, i.e. goals that preserve “ontological security” for the Chinese regime itself, are met. “Too much” altercasting may become an issue if DPRK provocative behavior spills over into the strategic realm, by shifting the balance of power in other regions through nuclear weapons exports or by threatening US homeland directly with capable Intercontinental Ballistic Missiles (ICBMs). More importantly, from a role theoretical perspective, however, was the unintended altercasting effect of the aggressive Bush administration policy vis-à-vis the axis-states which tipped the balance for China, allowing it to leave its benign bystander role behind and enmesh itself as an internationally recognized interlocutor for conflict management on the Korean peninsula.

5. Conclusion

Conflict resolution efforts on the Korean peninsula have evolved substantially over time. The single biggest break, in my view, occurred with the Geneva Agreed Framework when DPRK started to trade the threat of a North Korean nuclear weapons program for diplomatic normalization and the goal of immediate and complete denuclearization was deemphasized. As a consequence, growing asymmetries in power and ideological outlook between North Korea and the rest of the international community went hand in hand with a slow but steady demise of institutionalized conflict resolution. A second key change was the US led intervention in Iraq which set in motion a chain reaction of the DPRK withdrawal from the NPT and China's initiative to moderate any escalatory steps on both sides through the multilateral SPT.

Contrasting this conflict resolution dynamics on the Korean peninsula with the Iranian case reveals the following patterns: First, whereas North Korea today is a client state vis-à-vis China which is dependent upon trading nuclear and conventional threats for benefits, the Islamic Republic of Iran is an "independent state" longing for regional influence. Regime security certainly plays a role as a motif in both cases but security and status concerns clearly drive the Iranian quest for a "virtual nuclear weapon state status" (Chubin 2006) As a consequence, the international community will have to address Tehran's regional ambitions to find a mid-and longterm conflict solution. Second, in Northeast Asia two factors, the US' extended deterrence and a common understanding among neighboring states (including the PRC) that an operational DPRK nuclear weapon capacity is a clear threat to regional power balance, have prevented a "nuclear chain reaction".¹⁰ These mechanisms are unlikely to prevail in the Middle East. Chances are better than even today that Israel acts preventively (with unforeseeable conse-

¹⁰ This does not mean that Japan's peace constitution, societal preferences or BMD efforts have not influenced the official Japanese reaction towards North Korea's nuclear tests.

quences) or that some states in the Middle East seriously consider and probably initiate efforts to develop, build and/or acquire nuclear weapons in response to an open, proven Iranian weapons capacity. Third, while the NPT regime has more or less accommodated the North Korean case of an illegal withdraw by a member state in violation of its IAEA safeguards and NPT obligations, the NPT regime as we know is unlikely to survive an open and proven Iranian nuclear weapons capacity.

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