

Contribution to IFES Weekly Forum

## **A Creative Formula for Restoring the Six-Party Talks**

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The Six-Party Talks (SPT) began in Aug. 2003 to achieve the verifiable denuclearization of the Korean peninsula. The six-party process has long been stalled since the SPT failed to agree on a verification protocol in early Dec. 2008. President Lee Myung-bak recently stressed in Dec. 2010, for the first time that the Six-Party Talks were the only way to dismantle North Korea's nuclear programs, calling for the resumption of the long-stalled SPT.

The author attempts to discuss the current status of the Six-Party Talks, analyzing obstacles to the restoration of the SPT, the international efforts to restore the six-party process since Dec. 2008, and to make policy recommendations to create favorable conditions for restoring the SPT.

### **Major Obstacles to the Restoration of the Six-Party Process**

Why did the SPT fail to resume? What are major obstacles to the restoration of the long-stalled Six-Party Talks process since Dec. 2008? The author has found three categories of obstacles to resumption of the SPT. First, inter-Korean hostile interactions in 2009-2011 have contributed to the long-stalled SPT. Second, the U.S. the DPRK and the ROK have set preconditions for reopening the SPT. Third, the DPRK has no intention to abandon a nuclear status, without security guarantees, and the U.S. policy of "strategic patience" and ROK's coercive diplomacy have equally been responsible for the deadlocked SPT.

#### *Inter-Korean hostile interactions in 2009-2010*

Two historical events on the Korean peninsula in 2009--the North Korea's long-range rocket launch and the second nuclear test--were key obstacles to the resumption of the Six-Party Talks. The DPRK launched its long-range rocket, the Unha, in a failed attempt to place "an experimental communications satellite" into orbit on April 5, 2009, defying international pressure and violating the UN Security Council Resolution (UNSCR) 1718. The UN Security Council's presidential statement condemned North Korea for having violated its obligations under the UNSCR 1718. The DPRK's reaction was furious. The

DPRK declared the SPT useless, and it would no longer be bound by any agreement reached at the SPT. Since April 2009, the DPRK has rejected to return to the SPT.

The DPRK conducted its second nuclear test on May 25, 2009, and the UNSC unanimously adopted its UNSC Resolution 1874 on June 12, 2009 to impose additional financial, military and trade sanctions on the DPRK. In response to UNSCR 1874, the DPRK defiantly vowed to produce more nuclear weapons, rejecting the six-party process.

In 2010, the DPRK sank the Cheonan naval vessel on March 26 and staged artillery attack on Yeonpyeong Isand on Nov. 23. In ROK's view, the DPRK should be responsible for two horrible incidents, killing a combined total of the 50 people. The North Korea's military provocations escalated a new "Cold War" on the Korean peninsula, and had a profoundly negative impact on resumption of the SPT.

#### *North Korea's uranium enrichment program (UEP) as an obstacle*

The DPRK disclosed a 2,000-centrifuge uranium-enrichment facility at the Yongbyon nuclear complex in Nov. 2010. According to Dr. Siegfried Hecker's report, the DPRK claimed that the facility would produce low-enriched uranium for a light-water reactor, but the facility could produce highly-enriched uranium (HEU) for nuclear bombs.

The 7-member experts' special report which submitted to UN Security Council in Jan. 2011 concluded North Korea's UEP and light-water reactor project were serious violations of the UNSCR 1718 and 1874, asserting that the DPRK most likely had several more undisclosed enrichment-related facilities.

The UNSC sanctions committee held closed-door discussions on the experts' special report on North Korea on Feb. 23, 2011. China blocked its publication, arguing that publication could increase tensions on the Korean peninsula, thereby making a return to the SPT more difficult. The sanctions committee, however, agreed to look into recommendations in the report on tightening sanctions against the DPRK.

Russia, the U.S., Japan and the ROK publicly stated that they supported UNSC discussion on the UEP issue to confirm that the UEP violate the Sept. 19 Joint Statement and the UNSCR 1718 and 1874, while China and the DPRK want the UEP issue to be dealt with at the SPT. However, the U.S. and the ROK maintained the SPT could not resume until North Korea ended the UEP activities. Russia has recently changed its earlier position, and it is now supporting North Korea's position.

#### *The Impact of Inter-Korean Hostile Interactions on the SPT in 2011*

The United States and China had actively pressed Seoul and Pyongyang respectively to engage in constructive inter-Korean dialogue as a way of reducing tensions on the

Korean peninsula. President Barack Obama and Chinese President Hu Jintao in a joint Jan. 19 summit statement agreed that inter-Korean dialogue was an essential step to peace and security on the Korean peninsula.

Inter-Korean working-level military talks were held in Feb. 2011, but ended without any agreement over the agenda, venue, date and level of representatives for a high-level military meeting. North Korea abruptly walked away from the negotiating table without even setting a date for future working-level talks, denouncing the ROK's refusal to compromise on preconditions for a high-level military meeting.

Why did inter-Korean working-level military talks fail? The ROK asserted the DPRK first meet the two preconditions for high-level military talks: (1) the North's responsibility for the Cheonan and Yeonpyeong incidents and (2) the North's promise not to stage any further provocations. The DPRK stated that it wanted to express its views on the two attacks and to discuss a "comprehensive" agenda for easing military tensions at the high-level talks. Wu Dawei, Chinese special representative for Korean peninsula affairs, told Xinhua in an exclusive interview in March 2011 that China did not favor setting any preconditions for resuming the SPT.

The U.S. and the ROK now appear to have taken a new position that North Korea's apology for the Cheonan and Yeonpyeong incidents is not a precondition for the resumption of the SPT. President Lee Myung-bak even suggested a summit with Chairman Kim Jong-il if the DPRK would show its sincerity.

ROK's psychological warfare activities and the U.S.-ROK joint military exercises have intensified inter-Korean hostile interactions. For the first time since 2004, the ROK military staged an anti-North Korean leaflet campaign about democracy protests in Egypt and Libya to encourage North Koreans to rise up to similar protests in early 2011. The DPRK was very sensitive about a leaflet and threatened to fire cross-border shots if the ROK continued its anti-North activities.

The Key Resolve and Foal Eagle military exercises jointly staged by U.S. and ROK troops started on Feb. 28 through April 30, 2011. Key Resolve ended on March 10. The DPRK's response was furious, denouncing the joint exercises as a preparation for a preemptive attack on the Korean Peninsula, warning that it would respond with "all-out war."

There were open discussions on the need for redeployment of U.S. tactical nuclear weapons into South Korea in a National Assembly session in Feb. 2011. Former GNP Chairman Chung Mong-joon argued that the ROK should request the U.S. redeploy tactical nuclear weapons, and others even asserted that the ROK should develop its own nuclear weapons.

Gary Samore, the White House coordinator for arms control, expressed his personal view that the U.S. would agree to the idea of redeploying tactical nuclear weapons if the ROK made an official request. However, the ROK government has no intention to make such a request, and the ROK's basic stance is to achieve the denuclearization of the Korean peninsula through the Six-Party Talks. Robert Einhorn, the U.S. State Department's special advisor for non-proliferation and arms control, officially confirmed that there was no need for U.S. tactical nuclear weapons to be redeployed in South Korea.

The redeployment is simply a bad idea and even dangerous, violating the Sept. 19 joint statement and the inter-Korean denuclearization declaration signed in 1991, and making the Six-Party Talks useless.

In sum, reviewing current inter-Korean hostile interactions for the last two years, the author have found that inter-Korean hostile interactions had a negative impact on the restoration of the SPT. Therefore, the two Koreas and other four parties should make all efforts to create the essential conditions for an early resumption of the SPT by easing heightened tensions on the Korean peninsula, thereby increasing inter-Korean cooperative interactions.

#### *Preconditions as Obstacles to the SPT's resumption*

China, as Chair of the SPT, has urged the DPRK to return to the nuclear talks. Chinese Premier Wen Jiabao visited Pyongyang in Oct. 2009 and persuaded Chairman Kim to return to the stalled SPT. Kim told Wen that the DPRK was ready to return to the SPT, depending on the outcome of U.S.-DPRK bilateral talks. The DPRK has wanted to resolve the nuclear issue through direct talks with Washington. However, the U.S. has supported the DPRK's complete denuclearization through the SPT. The U.S. basic position is: UN financial sanctions against Pyongyang will not be lifted until the DPRK will show its sincere behavior through the denuclearization process.

Special Representative for North Korea Policy Stephen Bosworth visited Pyongyang to have the first direct talks with the DPRK in early Dec. 2009, and discussed a comprehensive package and other key issues, including bilateral diplomatic normalization, a peace treaty, and grand economic assistance if the DPRK "recommit to the verifiable, irreversible denuclearization" of the Korean peninsula.

In the 2010 New Year's Day joint editorial, the DPRK called for an end to hostile relations with the U.S., a peace system, and a nuclear-free Korean peninsula. The editorial was conciliatory toward Washington and Seoul, signaling the bright prospects for the North's return to the stalled SPT.

On Jan. 11, 2010, the DPRK proposed two new conditions for resuming the SPT: (1) the removal of UN sanctions; (2) the conclusion of a peace treaty with the U.S. Five key points of the North Korea's proposal were: (1) the denuclearization of the Korean peninsula as a policy goal of the DPRK; (2) the settlement of the nuclear issue between the U.S. and the DPRK and the conclusion of a peace treaty between the two; (3) the proposal for a peace treaty to "the parties to the Armistice Agreement"; (4) the peace treaty talks either at a separate forum or within the framework of the six-party talks; and (5) the lifting of UN sanctions prior to the DPRK's return to the stalled SPT.

Pyongyang intentionally excluded Seoul from the peace treaty talks, though the ROK should be a legitimate party to a peace treaty replacing the Korean armistice agreement.

The DPRK stressed that it would not return to the SPT under UN sanctions, but it is unrealistic for the DPRK to demand that sanctions under UNSCR 1874 be lifted before it returns to the SPT.

Five other participants in the SPT have repeatedly urged the DPRK to return to the stalled six party talks. The U.S., Japan, and the ROK dismissed DPRK's new conditions, and they argued that Pyongyang tried to use the peace treaty issue to undermine the six-party process and to delay the denuclearization process. China and Russia have also urged the DPRK to return to the stalled SPT and to implement the SPT agreements to achieve denuclearization and establish a peace regime on the Korean peninsula.

#### *China's Proposal for Emergency Six-Party Talks*

China has been reluctant to press the DPRK to modify its aggressive behavior. It had been under intense pressure from the U.S. Japan and the ROK to rein in North Korea, and thus, Beijing actively engaged in diplomacy to defuse heightened tensions on the Korean peninsula, sending State Councilor Dai Bingguo to Seoul to discuss China's proposal on November 28 with President Lee Myung-bak. Dai stressed the importance of inter-Korean dialogue, calling for resuming the long-stalled six-party talks, but Lee told Dai that it was not the right time to resume the nuclear talks with the North.

At the same day, China swiftly proposed an emergency meeting of the six chief delegates to the Six-Party Talks in Dec. to ease rising tensions on the Korean peninsula and to discuss security issues in Northeast Asia at a press briefing in Beijing by China's chief negotiator Wu Dawei. Wu neither specified a date in December nor proposed a resumption of the SPT, but called for an emergency meeting, hopefully creating the conditions for an early resumption of the SPT. Chinese State Councilor Dai Bingguo on Dec. 9 urged Chairman Kim to engage in an inter-Korean dialogue and to return to the SPT to defuse rising tensions on the Korean peninsula.

Regrettably, the U.S., Japan, and the ROK rejected China's proposal. Their basic position is: they would not restart the SPT unless the DPRK takes sincere behavior for the denuclearization process. China repeatedly urged five other participants in the SPT to reconsider its proposal to hold an emergency meeting to discuss ways of defusing mounting tensions on the Korean peninsula after the Yeonpyeong incident.

#### *Obama and Lee's charm gestures sent to North Korea*

The U.S. and the ROK have taken a two-track strategy toward the DPRK—coercive diplomacy and engagement through constructive dialogue. The United States and the ROK want to engage in constructive dialogue with the DPRK, but the joint military exercises in the spring of 2011, however, have had a negative impact on an early resumption of the Six-Party Talks.

President Lee reaffirmed the need for engagement with North Korea through constructive dialogue “anytime with an open mind” in an address commemorating the March 1 Independent Movement. Lee's tone was conciliatory by dropping his typically strong warning of firm retaliation against any future provocations, signaling his will to improve inter-Korean relations. However, Lee repeatedly urged the DPRK to take responsibility for the two incidents--the Cheonan sinking and Yeonpyeong shelling.

ROK and DPRK representatives reportedly held secret talks in China in Jan. 2011 to discuss an inter-Korean summit meeting. The ROK requested that a summit be held outside of North Korea. The DPRK wanted an economic assistance, including rice aid. No conclusion was reached, but the DPRK indicated “a willingness to express contrition over the recent military provocations by Pyongyang.” However, the mood was drastically changed at the inter-Korean working-level military talks in February. Thus, it appears that there must be a lack of policy coordination between civilian moderates and military hardliners in North Korea.

The U.S. also stressed the need for constructive dialogue with the DPRK. Stephen Bosworth, U.S. special representative for North Korea policy, clearly stated that regime change in North Korea was not Washington's goal before a Senate Foreign Relations Committee hearing on March 1, but he stressed that change in regime behavior was regarded “as necessary to any fundamental improvement in the overall relationship.”

Kurt Campbell, assistant secretary of state for East Asian and Pacific affairs, also stated before the same committee, urging the DPRK to improve ties with the ROK prior to any resumption of the SPT. The U.S. holds that North-South dialogue is an important initial step toward the resumption of the SPT. U.S. Senator John Kerry (D-Ma), chairman of the Senate Foreign Relations Committee, urged the Obama administration to engage North Korea bilaterally to pave the way for the early resumption of the SPT.

In the meantime, the DPRK on March 5 urged the ROK to unconditionally come to the negotiating table to diffuse cross-border tensions, arguing that if Seoul was truly interested in reconciliation, it should accept dialogue without pre-conditions, urging the Seoul to stop the joint military exercises and to discard its policy of confrontation with Pyongyang.

### **A New Approach to the Restoration of the Six-Party Process**

The author have long argued that the Six-Party Talks (SPT) have been useful as a framework for achieving the denuclearization of the Korean peninsula, thereby establishing a peace regime on the Korean peninsula and in Northeast Asia, while others argue that the SPT outlived its usefulness, claiming it provided an opportunity to produce nuclear weapons to the DPRK.

Since the Cheonan incident in March 2010, the ROK has demanded the DPRK first make an apology for the Cheonan and Yeonpyeong incidents, while China and the DPRK have been more positive and flexible to the resumption of the SPT than in the past. China proposed a three-stage plan for the resumption of the SPT (U.S.-DPRK contact-->six-party preliminary talks--->Six-Party Talks).

The U.S. and the ROK now set new preconditions for resuming the SPT-- an improvement in inter-Korean relations and North Korea's sincere behavior for the denuclearization. Needless to say, an improvement in inter-Korean relations is a key to an early resumption of the SPT, for inter-Korean reconciliation and cooperation will create a good atmosphere for resuming the SPT. However, as long as the ROK demands an apology for the Cheonan incident from the DPRK, which has denied any involvement in the incident, the SPT could hardly resume.

The DPRK's denuclearization should effectively be achieved through diplomatic negotiations at the SPT. The U.S., Japan and the ROK must abide by their obligations to provide fuel oil to the DPRK in exchange for disablement of Yongbyon nuclear facilities under the Feb. 13 and the Oct.3, 2007 agreements. Unless the DPRK demonstrates its sincere behavior to denuclearize the Korean peninsula, it cannot gain any benefits. If the DPRK wants the lifting of UN sanctions, conclusion of peace treaty, energy and food assistance, it should make concessions on resuming the disablement stage under the denuclearization agreements, the return of IAEA inspectors to North Korea and the dismantlement of all nuclear programs.

### *Policy recommendations for resuming the SPT*

All things considered, the restoration of the long-stalled SPT process is in the offing, and a mood of inter-Korean reconciliation seems to have come back to life once again, even if the inter-Korean working-level military talks now failed. The six parties must

have the will to create essential conditions for the resumption of the SPT. The author's policy recommendations are as follows:

First of all, the DPRK, the United States and the ROK have been equally responsible for the long-stalled Six-Party Talks and they must work together to create favorable conditions for restoring the SPT. As discussed above, inter-Korean hostile interactions were major obstacles to the resumption of the SPT and healthy inter-Korean relations. Thus, the DPRK and the ROK should not create new obstacles and preconditions for the talks and tit-for-tat hostile interactions between the two Koreas must be changed to inter-Korean cooperative interactions. If all six participants in the SPT will make all efforts to create essential conditions for the restoration of the SPT, the verifiable denuclearization of the Korean peninsula will be achieved in the near future.

Second, the ROK, the DPRK and the U.S. need to discard preconditions for the resumption of the SPT. They need to engage in a productive dialogue, which will promote favorable conditions for the restoration of the SPT. The United States needs to resume a policy of engagement with North Korea, abandoning its "strategic patience" policy, which was counterproductive and inefficient. The denuclearization of the Korean peninsula can effectively be achieved only through the six party processes. The long-deadlocked SPT will be restored only when the six parties have the will to create favorable conditions for reviving the SPT.

Third, the U.S., Japan and the ROK through trilateral cooperation should create favorable conditions for inducing the DPRK to express its "regret" over the death of the 50 people in the Cheonan and Yeonpyong incidents in 2010 as a responsible member of the international community for its survival. They should also urge China to play a proactive role in persuading the DPRK to implement the denuclearization agreements in good faith. The DPRK must understand that North Korea's denuclearization is in the best interest and a right path to achieve *gang sung dae guk* (a great and prosperous nation).

In sum, the six parties should take the following three measures immediately for creating essential conditions for resuming the stalled SPT: (1) the reduction of hostile interactions among them and the expansion of their cooperative interactions; (2) the removal of preconditions for resuming the SPT; and (3) observance of the Sept. 19 (2005), Feb. 13 (2007) and Oct. 3 (2007) agreements.

In the final analysis, we have learned an important lesson from the Six-Party Talks since August 2003. A hard-line policy cannot create essential conditions for restoring the SPT process. Only mutual compromise and cooperation among the six participants are essential to achieving the verifiable denuclearization of the Korean peninsula through the Six-Party Talks. <The End>