



Can We Still Negotiate with North Korea?

A South Korean Perspective

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Summary¹

The Korean Peninsula is back at the crossroads of war and peace. The root cause is North Korea's illegal pursuit of its nuclear ambition that poses serious security threats to the peninsula, all of Northeast Asia and the world. While adhering to the principles of a "denuclearized North Korea" and "no more war on the Korean Peninsula," President Moon Jae-in of South Korea has been advancing dialogue and negotiation, sanctions and pressure, defence and deterrence, and a more proactive role simultaneously. However, such efforts have not produced any tangible progress, fuelling speculation on military conflict. To get out of this deadlock requires talking to each other without mutual demonization. Frankness, two-way understanding and trust-building should be the basic guiding principles of a diplomatic approach. The nuclear issue should be treated as the most urgent agenda. The diplomatic approach must be practical and realistic. Goals for negotiations must be adjusted to changing circumstances and flexible negotiations should be another guideline. A mechanism for dialogue should be restored. US-North Korea bilateral dialogue is the most critical, but the Six Party Talks are still the most

viable venue for negotiation. It is not possible to dismantle North Korea's nuclear weapons through a quick-fix solution. Instead we need to have a patient and long-term perspective.

Introduction

1. A renowned South Korean novelist, Han Kang, contributed a moving column to the *New York Times* with the title "While the US Talks of War, South Korea Shudders."² Her wording aptly reflects sentiments of many South Koreans. For 'crisis of April,' 'crisis of August,' 'crisis of October,' and now protracted crises characterize the country's sombre geopolitical reality. Foreign correspondents have been rushing to Seoul to report on the potential escalation of military conflict in Korea and North Korea is the lead item in broadcasts in the United States night after night. Foreigners might enjoy watching such on-the-ground news reports with thrill and suspense, but South Koreans shudder at and prefer to block them out.

¹ Prepared for presentation at the symposium on "Where Are We headed, War or Peace?" at Ritsumeikan University, Kyoto, Japan, 30 October 2017.

² Han Kang, "While the US Talks of War, South Korea Shudders," *New York Times*, 7 October 2017, <https://www.nytimes.com/2017/10/07/opinion/sunday/south-korea-trump-war.html?emc=eta1>.

2. Indeed, the Korean Peninsula is back at the crossroads of war and peace. We have not stood this close to the point of no return since the signing of the armistice agreement in July 1953. Kim Jong Un's reckless military provocations, Donald Trump's bellicose rhetoric and military manoeuvres, China's tough position over the deployment of the Terminal High Altitude Area Defence (THAAD) missile system in South Korea, and domestic polarization in South Korea have trapped the newly inaugurated President Moon Jae-in in a security dilemma with grave implications. The root cause of this quagmire comes from North Korea's illegal pursuit of its nuclear ambitions.

A Nuclear North Korea? Assessing the Reality

3. Is North Korea a nuclear weapon state? Legally, no. In accordance with the Treaty on the Non-proliferation of Nuclear Weapons (NPT), North Korea cannot be recognized as a full-fledged nuclear weapon state. In point of fact, however, it cannot be denied that Pyongyang is on the verge of becoming a country with nuclear weapon capabilities. Several factors point to its nuclear status.

4. First, over the past eight years – while the Six Party Talks have remained stalled – North Korea is believed to have steadily amassed nuclear materials and is now estimated to possess an arsenal of more than 10 nuclear warheads. According to a recent analysis by Siegfried Hecker, a renowned nuclear weapons expert, who was the last outsider to visit North Korea's nuclear complex at Youngbyon, North Korea might have secured sufficient fissile materials for 4-8 plutonium weapons and 6-20 highly enriched uranium (HEU) weapons, with an annual production capacity of at most one plutonium weapon and possibly six HEU weapons. According to news reports this summer, the intelligence community in the United States assessed that North Korea could already possess as many as 60 nuclear bombs. Some analysts project that North Korea could acquire 100 nuclear warheads by 2020, if its efforts are not interrupted.

5. Second, North Korea has developed an array of delivery capabilities ranging from short-

range Scud B and C missiles (with a range of 300km-500km) and Nodong (with a range of 1,000km) to Musudan intermediate-range missiles (with a range of 3,000km). The Scud B and C as well as the Nodong missiles are currently operational, but the operational effectiveness of the Musudan has been questioned because four out of its five previous test launches have failed. Nevertheless, Pyongyang was successful in test-launching the Hwasung 12 intermediate-range missile (IRBM) in May and September and the Hwasung 14, a long-range intercontinental ballistic missile (ICBM), on 4 and 28 July this year. As Kim Jong Un stated, North Korea is in the "final stage" of developing ICBMs, and Foreign Minister Ri Yong-ho stated in his speech to the United Nations that North Korea was "a few steps away" from the "final gate." This can be seen as a game-changing development. Equally worrisome is its acquisition of submarine-launched ballistic missiles (SLBMs).

6. Third, North Korea has conducted six nuclear tests since 9 October 2006, of which five are known to have been successful. The destructive power of its previous five tests was less than 25kt each, roughly the same as the atomic bomb dropped on Nagasaki in 1945, but the 3 September 2017 test is estimated to have yielded more than 100kt, which Pyongyang claims was a hydrogen bomb. Although the reliability of this latest nuclear device is still being questioned, Hecker noted that North Korea must have gone beyond primitive fission-bomb technologies, signifying real progress towards if not initial mastery of a thermonuclear detonation.

7. Finally, North Korea claims that it has succeeded in diversifying nuclear bombs (fission, boosted fission and hydrogen bombs) as well as making nuclear devices smaller and lighter. It has even declared that it has achieved the standardization of nuclear bombs for mass production.

8. Judged by its acquisition of nuclear warheads, delivery capabilities, nuclear testing and the sophistication of its nuclear weapons technology, North Korea is nearing the status of a country with undeniable nuclear weapons capability. International pressure and sanc-

tions notwithstanding, Kim Jong Un has made it clear that he will not jettison the North's *byungjin* policy (the simultaneous pursuit of economic development and nuclear weapons). Thus, nuclear and missile development will continue not only for their minimal nuclear deterrence, but also for the protection of North Korea's leader (*suryong*), institutions (*jedo*), and people (*inmin*). Also, domestic legitimacy-building and international prestige have become additional driving forces behind Pyongyang's nuclear ambitions. North Korea's leadership could temporarily halt the country's nuclear and missile development, but is not likely to return to negotiations with denuclearization as a precondition.

We Cannot Tolerate a Nuclear North Korea

9. The North Korean nuclear threat is thus no longer hypothetical but real, no longer future tense, but here and now. It poses serious security threats to the peninsula, all of Northeast Asia and the world. We cannot tolerate a nuclear North Korea for several reasons:

- North Korean nuclear weapons would significantly alter the military balance on the Korean Peninsula and ultimately impede inter-Korean peaceful coexistence. Moreover, it will trigger an immense conventional and nuclear arms race on the peninsula;
- Pyongyang's superiority in military power could also tempt its leadership to deliberate on reviving its old strategy of a unified front (*Tongil Jeonsun*) that attempts to communize South Korea on its own terms. The North has pursued this strategy whenever it was militarily stronger than the South. It might sound illusory, but such possibility cannot be ruled out. For the by-law of the Korea Workers' Party still retains such goal in its preamble;
- The regional security impacts would be profound. In addition to strategic instability and spiralling arms races, a nuclear domino effect might lead to proliferation elsewhere in Northeast Asia;

- And the possibility exists that North Korea will export nuclear materials, technology, and even warheads to other actors, threatening the very foundations of world security in this age of global terrorism.

The Moon Jae-in Government's Strategy: Dialogue, Sanctions and Pressure, and Deterrence

10. President Moon Jae-in's policy goal is to realize a nuclear-free, peaceful and prosperous Korean Peninsula along with North Korea. He has adopted two principles and four strategies to achieve the goal.

11. The first principle is to denuclearize North Korea. He firmly believes that South Korea cannot peacefully co-exist with a nuclear North Korea and that Pyongyang's nuclear ambitions should be stopped.

12. The second principle is that there should not be another war on the Korean Peninsula and that the North Korean nuclear problem should be resolved peacefully through diplomatic means. He has said clearly that no country can take military actions on the Korean Peninsula without prior consultation with and the agreement of the South Korean government. This underscores his commitment to peace and opposition to military actions and war.

13. While adhering to the principles of a "denuclearized North Korea" and "no more war on the Korean Peninsula," President Moon has advanced four strategies. They are dialogue and negotiation, sanctions and pressure, defence and deterrence, and a more proactive role in improving inter-Korean relations and facilitating the resolution of the North Korean nuclear problem.

14. President Moon's first strategic choice is to restore dialogue and negotiation as a viable means of resolving the North Korean nuclear problem. He is well aware of inherent limits to dialogue and negotiation, and absorbed the lessons of the failure of the Six Party Talks as well as bilateral talks between Pyongyang and Washington. He proposes a two track approach

in which Pyongyang and Washington engage in bilateral dialogues to resolve the nuclear problem, while Seoul and Pyongyang resume talks to address issues pertaining to inter-Korean relations.

15. He insists that Pyongyang and Washington should find a way to revive their broken channels of communication and engage in meaningful dialogue and negotiation, ultimately including the resumption of the Six Party Talks. Along with this, President Moon is determined to establish parallel bilateral talks with North Korea. He has already proposed to Pyongyang to have Red Cross talks over humanitarian concerns and military talks for tension-reduction along the Demilitarized Zone (DMZ). The Moon government also wants to resume inter-Korean exchanges and cooperation, especially on the non-governmental level, within the boundary of international sanctions.

16. But the North has not yet responded to his proposal. While arguing that dialogue and sanctions cannot go in tandem, Pyongyang has defied Seoul's call for dialogue. More critically, it has repeatedly ignored UN Security Council Resolutions by undertaking one underground nuclear testing and ten missile test launches. As long as South Korea resorts to sanctions and pressure against the North, following the US line, Pyongyang sees no prospect for improving the inter-Korean relations.³

17. Facing this reckless challenge from Pyongyang, President Moon's second strategy is sanctions and maximum pressure. The Moon government has closely cooperated with the United States and Japan in pushing for tougher sanctions resolutions at the United Nations Security Council and has fully complied with them. Seoul has also pledged to go along with

US unilateral sanctions, including secondary boycotts. More importantly, the Moon government has decided to sustain sanction measures adopted by previous conservative governments such as the 24th May measure that bans exchanges and cooperation with the North and the suspension of the Kaesung Industrial Complex and the Mt Geumgang tourist project.

18. Third, the Moon government is pursuing a strategy of deterrence and missile defence. Deterrence is a strategy aimed at preventing North Korea from acting in a certain way by threatening to retaliate with credible military force. It is composed of two elements. One is conventional deterrence through the strengthening of South Korea-US combined forces and South Korea's self-reliant defence posture. The other is nuclear deterrence through close cooperation and coordination with the United States on extended deterrence and the provision of America's nuclear umbrella. That said, the Moon government is strongly opposed to the redeployment of American tactical nuclear weapons on South Korean soil, as well as the development and possession of independent nuclear weapons.

19. Missile defence constitutes another important component. It is composed of active defence (the Patriot and THAAD systems), passive defence (monthly civil defence exercises), offensive defence (kill chain and massive punishment retaliatory measures), and battle management (command, control, communications, intelligence, reconnaissance, and surveillance).

20. Some suggest compellence as an option that refers to a strategy to make North Korea alter its behaviour through the threat or use of force. Whereas deterrence is rather a passive manoeuvre, compellence is a more assertive move through the deployment of coercive diplomacy. Forward deployment of strategic bombers such as B1B, B-2, B-52, carrier battle groups, and nuclear propelled submarines over the Korean Peninsula have been the core of compellence strategy. The United States has recently taken this posture, but the Moon government has only passively participated in it through mutual consultation.

³ In his interview with TASS, a Russian state news agency, Foreign Minister Ri Young-ho of North Korea underscores this point by arguing that "it is first of all necessary that the South Korean authorities should halt their humble submission to the USA in its hostile policy and the campaign of sanctions and pressure against the DPRK. It is important that they should change their policy in favor of the pan-national interaction and measures to cut short acts of aggression and interference from outside." "DPRK people demand US be punished by 'hail of fire' for aggressive policy - top diplomat," Tass, 11 October 2017, <http://tass.com/world/970085>.

21. Finally, President Moon wants to take a more proactive role in resolving the North Korean nuclear problem by facilitating inter-Korean dialogues as well as seeking close consultation with China and Russia. Despite his commitment, however, this strategy has not been effective not only because Pyongyang has not responded to his call, but also because of a soured relationship with Beijing and Moscow over the issue of the deployment of American THAAD to South Korea.

22. These four strategies might look contradictory. In reality, however, they are not. President Moon has always placed top priority on dialogue and negotiation. Nevertheless, he has to combine it with other options, depending on changing circumstances. It should be noted that for him, sanctions and pressures are not ends in themselves, but the means to bring the North to dialogue and the negotiation table.

The Moon Government's "Three Nos": No Nukes, No Military Action and No Regime Change

23. While advocating a three-pronged strategy, the Moon Jae-in government has also been clear in what it rejects. President Moon strongly opposes three options that have been widely discussed in South Korea, the United States and elsewhere. The opposition can be summarized as the "Three Nos": no nuclear weapons, no military action, no regime change.

24. First, the Moon government opposes the nuclear armament option. A growing number of people in South Korea are beginning to favour the development of an indigenous nuclear arms program to deal with Pyongyang's nuclear threat. They advocate the independent acquisition of nuclear weapons by arguing that America's nuclear umbrella, provided under the scheme of extended deterrence, is a broken umbrella.

25. But their argument is faulty because American commitment to extended deterrence and its nuclear umbrella is unquestionably firm. Worse is that as soon as South Korea declares its intention to pursue this course, it will face strong headwinds. The nation's nuclear power industry would be ruined, as would the coun-

try's traditional alliance with the United States. The South Korean economy would risk facing international sanctions that could send it into a tailspin. Moreover, South Korea going nuclear could be a tipping point that triggers a nuclear domino effect in Northeast Asia. These factors have made the Moon government oppose the nuclear option.

26. Moreover, a nuclear armed Northeast Asia would not benefit the United States. Judged by the overall public sentiment in Washington, it would be extremely difficult for the United States to maintain alliances with a nuclear Japan and/or South Korea. Such a development is likely to lead to a loss of American allies in the region. More importantly, the United States would lose its "hegemonic" influence over the region. Japan and South Korea armed with nuclear weapons would not be likely to comply with American demands. They would comply only when extended deterrence and America's provision of its nuclear umbrella remain valid and operational.

27. Some South Korean pundits advocate the redeployment and co-sharing of American tactical nuclear weapons in South Korea, if an independent nuclear option is unworkable. But the Moon government has formally rejected bringing US nukes onto South Korean soil since it violates the principle of a denuclearized Korean Peninsula and undermines the demand for the complete, verifiable, and irreversible dismantling (CVID) of North Korean nuclear programs and weapons.

28. Such deployment could also trigger tense nuclear arms races in Northeast Asia. The introduction of nuclear warheads would also introduce *new* risks both in terms of public safety to South Koreans and escalatory risks and miscalculations in deterring North Korea. It is playing with fire. Despite remarks by certain US officials hinting at such a possibility, the United States is not likely to accommodate such a request because of strategic, tactical, budgetary and logistic reasons.

29. Second, the Moon government resolutely opposes military actions, be they pre-emption and/or preventive war. This opposition is grounded in basic cost-benefit analysis. Once

initiated, a conflict would be difficult if not impossible to contain and the human and economic costs of war on the Korean Peninsula would be staggering. With a huge civilian population living within artillery range and the largest economies in the world within missile range, South Korea, Asia and the world simply have too much to lose from a war with North Korea – which has very little to lose and will fight to the death.

30. And for what benefit? There is a low probability of achieving the desired military and political objectives. Destroying North Korea's nuclear assets (facilities, materials and warheads) that are distributed, concealed and bunkered, as well as its mobile missile-launching sites, will not be easy. Given the fortified command-and-control system, targeting and decapitating the country's political leadership and solving the "designated survivor" problem will be virtually impossible. Meanwhile, North Korea's massive retaliatory capabilities and subsequent escalation of military conflict would entail grave human casualties in the South and economic catastrophe on a global basis.

31. Finally, the Moon government is also sceptical of regime change involving the removal of the North Korean leadership. On several occasions, including his speech in Berlin on 6 July, President Moon clearly said that he will seek neither regime change in the North nor unification by absorption on South Korean terms. He believes these are neither desirable nor feasible. It is not desirable because such a move would undermine mutual trust, while stiffening Pyongyang's hostility. And it is not feasible in the short run because removing North Korea's leadership is extremely difficult from a practical standpoint.

32. Moreover, the collapse of the Kim Jong Un regime would not necessarily mean the end of the DPRK as a sovereign state. The military or military-party collective leadership could easily replace the Kim regime, and any new leadership is likely to show the same behaviour. Mass uprisings could bring about an abrupt end to the regime, but at present this seems very unlikely. In addition, loss of control over weapons of mass destruction in the wake of political and social chaos is another reason

why the Moon government is less receptive to leadership or regime change. We must be vigilant in opposing "solutions" that actually make the original problem worse, while creating new ones that are even more dangerous.

Dialogue and Negotiation are Still Possible: Some Personal Observations

33. It is not easy to talk about the resumption of dialogue and negotiations with North Korea. Washington, the principal partner for dialogue, argues that Pyongyang has not only shown intolerably provocative behaviour, but also breached trust on numerous occasions in its negotiations with the United States. And such brutal acts as the assassination of Kim Jong-nam, an elder brother of Kim Jong Un, critically ruined its international image. Sanctions and pressure cannot be avoided as long as North Korea violates UN Security Council resolutions. Therefore the Moon Jae-in government will continue to take a tough stance on North Korea in close cooperation with the United States and the international community.

34. However, I believe that there is still room for dialogue and negotiation with North Korea. In an article at the start of this year, William Perry argued that we need to "talk first, get tough later."⁴ I agree. I believe engagement, dialogue and negotiations with North Korea are still the most credible way of handling Pyongyang. President Barack Obama's policy of "strategic patience" and President Park Geun-hye's "trust politics" ultimately failed because pressure and sanctions outweighed engagement and dialogue, which in turn demolished the foundation for mutual trust-building. Nevertheless, past failure should not serve as an excuse for not engaging with the North.

35. Washington and Pyongyang are the only two countries that can resolve the North Korean nuclear problem. They should talk.

⁴ William J. Perry, "To confront North Korea, talk first and get tough later," *Washington Post*, 6 January 2017, https://www.washingtonpost.com/opinions/to-confront-north-korea-talk-first-and-get-tough-later/2017/01/06/9334aee4-d451-11e6-9cb0-54ab630851e8_story.html?

Despite its chronic rhetorical rejection, I personally see some signs of North Korea's willingness to talk with the United States, and it is up to the United States to probe in a proactive way at the highest level possible. The role of President Trump is, thus, of paramount importance. He should avoid a war of words. Such hostile rhetoric as "no choice but to totally destroy North Korea" and "little rocket man on a suicide mission for himself and for his regime" is counter-productive. He needs to open channels of communication with the North and should even consider dispatching a high-level special envoy to Pyongyang.

36. It is also essential to avoid demonizing the North. Incentives and disincentives should be flexibly combined and presented. Finally, President Trump should send a clear and encouraging message to North Korea and the world that the North Korean nuclear quagmire can be peacefully resolved.

37. In doing so, five things should be kept in mind. First, frankness, two-way understanding and trust-building should be the basic guiding principles of a diplomatic approach. We must speak our minds and also hear out Pyongyang in order to find mutually acceptable solutions. Being deaf to the North or yelling back at Pyongyang, while insisting on unilateral preconditions, won't lead us to a way forward. Portraying the North as a "band of criminals" will only reinforce the perception that relations are asymmetrical, hindering meaningful dialogue and negotiation. North Korea might be demonic, but we should not demonize Pyongyang.

38. Second, prioritization of the agenda in dealing with North Korea is essential. Pyongyang has been subjected to international criticism over several issues such as nuclear weapons, chemical-biological weapons, reckless behaviour in cyber security, massive violations of human rights and deteriorating conditions of basic human needs. We cannot solve all these issues at once but need to prioritize them in the order of urgency. Primary attention should be paid to the nuclear issue. Progress made on this issue will eventually lead to breakthroughs in other areas through mutual trust-building. Otherwise, there will be no way out of the North Korean quagmire.

39. Third, the diplomatic approach must be practical and realistic. Goals for negotiations must be adjusted to changing circumstances. We must face the reality that we cannot make North Korea completely dismantle its nuclear weapons and facilities in the short term. Instead, we should seek a moratorium on its nuclear program to prevent further production of nuclear materials. Pyongyang repeatedly said it would cease nuclear activities if terms were met. In this regard, Siegfried Hecker's step-by-step approach of "freeze, roll-back, and verifiably dismantle" might provide us with a viable exit strategy. Practical ways to resolve the North Korean nuclear conundrum might be found in existing agreements that emerged from the Six Party Talks.

40. Fourth, flexible negotiations should be another guideline. We must put all possible cards on the table, including a temporary halt to joint South Korea-US military drills, replacement of the armistice agreement with a peace treaty, allowance of North Korea's peaceful use of atomic energy and space/satellite programs, and normalization of diplomatic relations between North Korea and the United States. We must not exclude these options just because they are being demanded by Pyongyang. While addressing issues through dialogue, we could probe Pyongyang's intentions and demand accountability for any breaches of faith.

41. Finally, a mechanism for dialogue should be restored. The Six Party Talks are still the best forum for negotiation. Concerned parties can have bilateral, trilateral, four and five party talks within the Six Party Talks framework. In addition, the 19 September joint statement is still the best diplomatic document for denuclearizing North Korea. Deliberating on alternative mechanisms for dialogue and negotiation will be time-consuming. The situation now is critical and we have no time to spare.⁵

⁵ The idea that dialogue and negotiations are still possible hinges critically on whether Kim Jong Un, in fact, believes this. Dialogue with North Korea without any preconditions is needed to figure out his real intentions and terms of negotiation.

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