EAST ASIA INSIGHTS
TOWARD COMMUNITY BUILDING

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The Japan Center for International Exchange mourns the loss of its founder and president, Tadashi Yamamoto. He was a champion of intellectual dialogue to strengthen cooperation among peoples and nations in East Asia as well as around the world, and this issue of *East Asia Insights* is dedicated to his memory. He will be sorely missed by his many friends and colleagues around the world.

After the Launch: Moving Forward with North Korea

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On April 13, North Korea launched its Kwangmyongsong-3 satellite to mark the 100th anniversary of the birth of Kim Il-sung. Although the launch was a failure, the US-DPRK Leap Day Agreement that was reached on February 29, 2012, was undermined, and other efforts toward resolving the North Korean nuclear issue were dealt a serious blow.

The Leap Day Agreement was aimed at facilitating preliminary steps toward resolving the long-stalled nuclear issue and was hailed, albeit cautiously, as a major breakthrough. North Korea agreed to a moratorium on nuclear tests, long-range missile launches, and uranium enrichment activity at Yongbyon. It also agreed to allow International Atomic Energy Agency inspectors back into the country—for the first time since 2009—to monitor the moratorium on uranium enrichment. The United States, for its part, agreed to provide North Korea with 240,000 metric tons of food aid.

But cracks in the agreement soon began to appear. On March 16, North Korea's space agency, the Korean Committee for Space Technology, announced plans for a satellite launch. The United States and its allies, including Japan and South Korea, have condemned the launch as an egregious violation of not only the Leap Day Agreement but also UN Security Council resolutions. North Korea, on the other hand, has consistently asserted its sovereign right to the peaceful use of space under the 1967 Outer Space Treaty.

North Korea's violation of the Leap Day Agreement and various UN Security Council resolutions—particularly resolution 1874—must be explicitly condemned by the international community, including China. The United States has now been forced into a position in which it had to suspend the delivery of food aid to young children and pregnant women given this violation of the agreement. But, this single violation aside, the question remains whether or not North Korea will keep its commitments under the

agreement, and it must be strongly encouraged to do so. If North Korea departs from the moratorium on nuclear testing and uranium enrichment, the international community must impose stronger sanctions. The crucial point here is whether China will do its utmost to persuade and prevent North Korea from carrying out further violations of the moratorium, including a possible third nuclear test. And in the event of further violations will China agree to and fully implement sanctions?

Lessons from the Launch: How to Negotiate with North Korea

At the same time, we must learn from this tumultuous episode. The guiding principles I previously advocated for dealing with a nuclear North Korea still ring true today.* Moving forward in the aftermath of the satellite launch, the other Six-Party countries should keep the following three points at the forefront of their minds. First, it is evident that negotiations must be conducted directly with North Korea's power center and not necessarily the Ministry of Foreign Affairs. Second, policy needs to be consistent across the other five Six-Party countries. And third, contingency planning is crucial, as we still cannot predict whether or not North Korea will live up to its commitments.

This approach is necessary because a comprehensive, negotiated settlement is the only practical way forward. North Korea needs to denuclearize. At the same time, the establishment of a permanent peace regime on the Korean Peninsula, international economic and energy cooperation with North Korea, and the normalization of diplomatic relations with Japan and the United States are all critical. Given the complexities involved in negotiating such a comprehensive settlement and the nature of past disagreements over the timing of implementation, the road to a meaningful result will be a long and difficult one. As such, the Six-Party process must continue, combined with informal bilateral negotiations to lay the groundwork for meaningful negotiations.

Establishing a Credible Negotiation Channel

North Korea cannot be recognized as a nuclear state. To this end, diplomatic negotiations with North Korea need to continue. But as is true in any negotiation process, it is crucial to interact with the right interlocutors. Dealing with a counterpart that cannot implement its end of a bargain is inherently a waste of time. Thus, if the United States is serious about resolving the North Korean nuclear issue, it must negotiate with those entities that control its nuclear weapons. This means dealing not with the Ministry of Foreign Affairs but with the National Defense Council and establishing a streamlined and direct channel with North Korean negotiators who have unfettered access to Kim Jong-un, his inner ruling circle, and top military generals.

While under normal circumstances diplomatic protocol dictates that negotiations between countries be conducted through their respective foreign ministries, North Korea presents a special case. North Korea has a unique political structure; it is a military state, and the Korean People's Army is given first priority in line with the state's *songun* (military first) policy. Moreover, it is normal that military and defense ministry personnel would participate in negotiations dealing with nuclear weapons in any context, as was the case in US-Soviet negotiations over nuclear arms reductions.

It is clear that the North Korean Ministry of Foreign Affairs cannot give credible assurance on any measures relating to military matters and that any agreement negotiated with it regarding nuclear weapons will not be seriously implemented. Repeating this mistake will only result in further failed agreements destined to meet the same sorry fate as the 2005 agreement reached at the fourth round of the Six-Party Talks and the more recent Leap Day Agreement.

* Hitoshi Tanaka, 2009. "The North Korea Nuclear Crisis: Five Guiding Principles," *East Asia Insights*. <http://www.jcie.or.jp/insights/4-2.html>; Hitoshi Tanaka, 2011. "Rethinking Our Approach to the Korean Crisis," *East Asia Insights*. <http://www.jcie.or.jp/insights/6-1.html>.

Policy Consistency and the China Question

Policy consistency among the other five Six-Party nations is essential. In the absence of adequate coordination, the North Korean regime has effectively exploited policy differences and played the five governments against each other.

China is key in forging a coordinated approach. After the collapse of the Soviet Union, China has by default become North Korea's closest backer. For its own geopolitical reasons, China's approach toward North Korea is decidedly ambivalent; it is stuck between the competing notions of reluctance to pressure North Korea too strongly and a desire to act as a responsible member of the international community. North Korea has clearly calculated that China will not side with Japan, South Korea, and the United States, and this tacit support has been emboldening.

China's lack of clear condemnation of the satellite launch demonstrates its inconsistent approach. As a permanent member of the UN Security Council, China approved Resolution 1874 in 2009. This resolution clearly forbids North Korea from conducting "any launch using ballistic missile technology." Given that the Unha carrier rocket North Korea uses for its satellites is virtually identical to its Taepodong long-range ballistic missile, satellite launches—whether intended for peaceful purposes or not—allow North Korea to improve its nuclear weapons delivery capacity and are a clear violation. Ultimately, China's failure to condemn the satellite launch undermines the UN Security Council and the efforts of the other four Six-Party nations to resolve the North Korean nuclear issue.

Also crucial for forging policy consistency is trilateral cooperation among Japan, South Korea, and the United States. It is imperative that these three nations work together and agree to do their utmost to see the issue resolved diplomatically. In doing so, they must present a united front to China and not allow North Korea to exploit policy differences.

Contingency Planning

With the death of North Korean leader Kim Jong-il in December last year, the succession to his third son, Kim Jong-un, was forced to move ahead of schedule. As he works with a ruling inner circle comprised of old hands from his father's regime, Kim Jong-un is still consolidating his grip on power. The failure of the launch may have seriously undermined this process. We must assume that Kim Jong-un is still in a vulnerable position and a power struggle inside the military may not be out of the question.

It is, therefore, imperative that Japan, South Korea, and the United States engage in trilateral contingency planning. This trilateral planning must outline how the US-Japan alliance can be best utilized during any worst-case scenario that might unfold on the Korean Peninsula and cover issues such as Japan's rear-area logistical support for the United States, the evacuation of noncombatants, and dealing with refugee flows. Given the legal restrictions on the Japan Self-Defense Forces (JSDF) and the sensitive relationship between Japan and South Korea over this issue, the precise role of the JSDF in any contingency plans must be made absolutely clear. Moreover, trilateral cooperation must move beyond the previous pattern of hub-and-spokes talks conducted by the United States with each of its allies and include substantive communication between Japan and South Korea and regular consultations by the three nations with both China and Russia.

Moving Forward

A comprehensive, negotiated settlement is still the only practical way to resolve the North Korean nuclear issue. But this will be a difficult task. It has clearly become much more difficult to negotiate with North Korea now given the diplomatic fallout over this most recent episode. Moreover, given the US presidential election later this year, neither President Obama nor the Republicans want to be seen as weak on foreign policy, giving them little leeway to negotiate constructively with North Korea.

But taking our figurative bat and ball and going home to show displeasure over the satellite launch ultimately gives North Korea more time to develop its nuclear weapons and delivery capacity and allows it to edge ever closer toward de facto nuclear state status. To arrive at a place where we can forge a comprehensive settlement—through the Six-Party process—we must begin with small confidence-building steps and continue with informal bilateral negotiations to lay the groundwork. Recent efforts to this end, such as the Leap Day Agreement negotiations, should be continued, but this time it is critical for the United States to conduct negotiations through the right channel.

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