

## Playing the Same Game: North Korea's Coercive Attempt at U.S. Reconciliation

The nuclear and missile capabilities of the Democratic People's Republic of Korea (DPRK) are certainly improving, but that does not mean its strategy has changed. Those who argue that Pyongyang has abandoned diplomacy and chosen a military path risk missing the point: nuclear weapons and missiles are the means, not the ends. North Korea is actually taking necessary steps to prepare for future talks with the United States. In other words, North Korea is playing the same game again.

Three major diplomatic cards are on the negotiating table between North Korea and the United States: the nuclear issue, the missile issue, and the issue of signing a peace treaty or agreement. During the Bush years, the missile and peace issues were missing from the scene largely because the United States was not interested in seriously engaging North Korea and declined Pyongyang's suggestion to negotiate a deal on missiles.<sup>1</sup> Although North Korean nuclear and missile tests must be strongly condemned, its recent actions suggest that the country has taken a note of the Obama administration's willingness to engage and has started to prepare for future negotiations by strengthening its bargaining position.

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## North Korean Prenegotiation Moves

While the Obama administration was making overtures for improved relations to Pyongyang, a variant of the Taepodong-2 missile was launched by North Korea on April 5, 2009, followed by a second nuclear test on May 25, 2009, and Scud and No-dong missile tests on July 4, 2009. Although these events startled the international community, they were not shocking and certainly not unlike North Korea.

When North Korea first announced its withdrawal from the Nuclear Non-Proliferation Treaty (NPT) in 1993, it was just after President Bill Clinton and President Kim Young-sam of South Korea were inaugurated. In fact, Kim Young-sam had reached out to North Korea. In his inaugural speech, he had expressed his willingness to improve relations with his brethren in the north by saying, “No alliance partner can be more important than the [Korean] nation.”<sup>2</sup> As a result, North Korea’s withdrawal took both presidents by surprise. Similarly,

**North Korea’s recent tests are actually preparations for future negotiations.**

when North Korea launched a Taepodong-1 missile in 1998, Kim Dae-jung had just become president of South Korea. Similar to his predecessor, he had initiated an engagement policy toward North Korea dubbed the Sunshine Policy, which North Korea immediately snubbed by launching the Taepodong-1.

Were these launches a rational move by North Korea? There seems to be historical

evidence that they were indeed. If North Korea’s moves are viewed as rational, it will be easier to predict their future actions, undermining the type of brinkmanship diplomacy practiced by the North Koreans. Maintaining a level of ambiguity, therefore, is in North Korea’s interest, especially because it has seemed to work. The U.S.–DPRK Agreed Framework, which required the United States to make arrangements for the provision of light water reactors and heavy fuel oil to North Korea in exchange for the DPRK freezing its graphite-moderated reactors and related reprocessing facilities and eventually dismantling them, was signed in October 1994, 17 months after North Korea’s announcement to withdraw from the NPT.<sup>3</sup> Kim Dae-jung had a summit meeting with North Korean leader Kim Jong-il in June 2000, a year and 10 months after the Taepodong-1 launch, followed by an October 2000 visit by U.S. Secretary of State Madeleine Albright to Pyongyang.

So even though the Obama administration just became the latest target of North Korean brinkmanship diplomacy, it seems that North Korea’s behavior has been quite rational.

## North Korea's Negotiating Agenda

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North Korea's relationship with the United States peaked toward the end of the Clinton administration, when Vice Marshal Jo Myong-Rok visited Washington, D.C. as a special envoy of Kim Jong-il in October 2000, and Albright reciprocated by visiting Pyongyang in the same month. At that time, the two countries were discussing three major issues: nuclear development, missile export and development, and the establishment of a new peace mechanism.

### Nuclear Items

Fast forward to June this year, North Korea took a surprising step to prepare for future negotiations on a nuclear deal. It announced that it would begin enriching uranium and had decided to build its own light water reactors.<sup>4</sup> This announcement was significant for two reasons. First, North Korea acknowledged that it now has a uranium-enrichment program. North Korea's secret program to produce highly enriched uranium (HEU) has been one of the most important stumbling blocks in nuclear talks. Since October 2002, the United States has accused North Korea of possessing an HEU program for nuclear weapons, but Pyongyang has always refused to acknowledge such a claim, even though North Korea had already implied in past discussions that such a program was in place by hinting that it would be willing to negotiate on the program. In 2002, Kang Sok-ju, first vice foreign minister and Jong-il's right-hand man, reportedly said, "What is wrong with us having our own uranium enrichment program? We are entitled to possess our own HEU, and we are bound to produce more powerful weapons than that." Kang Sok-ju also said that North Korea considered the 1994 Agreed Framework nullified and stated that the DPRK would resolve this issue if the United States concluded a nonaggression treaty with the DPRK, lifted the embargo on North Korea and stopped interfering with Japanese–North Korean normalization, normalized relations with the DPRK, and compensated North Korea for previous delays in light water reactor construction.<sup>5</sup> Now that North Korea has acknowledged possessing the uranium-enrichment program, it is on the table to be negotiated.

Second, the announcement highlighted North Korea's continued interest in a light water reactor. After the second nuclear crisis erupted in 2002, the light water reactor project, which was promised under the Agreed Framework, was suspended in 2003. As part of the negotiations that followed, the Joint Statement adopted in September 2005 stated that the non-North Korean parties to the Six-Party Talks were willing to discuss the provision of light water reactors to the DPRK at an appropriate time.<sup>6</sup> Nevertheless, just after the Joint Statement was adopted, the United States announced that the "appropriate time" for providing light water reactors to the DPRK would only come when

**Pyongyang has tested new presidents twice before.**

North Korea had eliminated all nuclear weapons and nuclear programs and was complying fully with the NPT and the North Korean safeguards agreement with the International Atomic Energy Agency (IAEA).<sup>7</sup> North Korea was quick to respond. On the next day, the North Korean Foreign Ministry declared that

the United States “should not even dream of the issue of the DPRK’s dismantlement of its nuclear deterrent before providing LWRs [light water reactors], a physical guarantee for confidence-building.”<sup>8</sup> In May 2006, however, the light water reactor project was terminated. In July, North Korea conducted multiple missile launch exercises and then the first nuclear test in October. North Korea’s announcement in June 2009 should be interpreted as a clear signal that the provision of light water reactors should be discussed in future talks.

**Missile Talks**

Meanwhile, serious negotiations on missiles had started between the United States and North Korea in mid-1999 in response to former U.S. Secretary of Defense William Perry’s suggestion to engage North Korea more proactively. The DPRK proposed a moratorium on missile tests for the first time in June 1999.<sup>9</sup> In the meantime, Pyongyang started preparations for another missile test and conducted engine-burning and fueling tests.<sup>10</sup> By early August 1999, a Taepodong missile had been assembled and stored in a site near the launching pad just as another round of U.S.–DPRK talks convened in Geneva.

In September 1999, North Korea had stopped preparations and agreed not to launch missiles while talks with the United States were underway, and the Clinton administration subsequently decided to ease some sanctions against North Korea in return.<sup>11</sup> When Jo Myong-Rok visited Washington, D.C. in October 2000, the two sides issued the U.S.–DPRK Joint Communiqué and agreed that resolution of the missile issue would make “an essential contribution to a fundamentally improved relationship between them and to peace and security in the Asia–Pacific region.”<sup>12</sup> During Albright’s visit to Pyongyang, Kim Jong-il suggested that the United States sponsor satellite launches for North Korean use so that North Korea would not further its indigenous missile testing.<sup>13</sup> In addition, he promised not to produce, test, or deploy missiles with a range of more than 500 kilometers; offered to halt all missile exports; and asked for \$1 billion worth of nonmonetary assistance such as food or coal.<sup>14</sup> Several issues, however, remained unresolved, such as verification, the question of missiles already deployed, and the value of the nonmonetary aid that North Korea should receive.<sup>15</sup>

North Korea characterized the Taepodong-2 launched in April 2009 as a satellite launch vehicle but remained silent about Scud and No-dong missiles launched in July.<sup>16</sup> In fact, North Korea had characterized the Taepodong-1 test in 1998 as an attempt to launch a satellite before suggesting in 2000 that the United States sponsor satellite launches for North Korean use.<sup>17</sup> North Korea seems to be dividing the missile issue into two parts again: a missile issue and a “satellite” issue. It will likely seek two separate deals on missiles in the future based on such a distinction.

### **Peace Agreement**

By launching missiles and conducting another nuclear test in the late spring of 2009, North Korea has unilaterally put nuclear and missile issues on the negotiation table with the Obama administration. The only remaining issue to be addressed is the establishment of a new peace mechanism. More specifically, North Korea has long sought to replace the 1953 Armistice Agreement with a peace agreement in order to legally put an end to the confrontation with the United States. To resume the talks on this issue, North Korea will likely raise tensions in the Yellow Sea, the Demilitarized Zone, or the Joint Security Area in Panmunjom in the near future.

The North Koreans will contend that military tension is rising and the danger of war is looming large on the Korean Peninsula; the current armistice mechanism is not functioning, and so the situation will escalate; and in order to avoid another war, the United States and the DPRK must conclude a peace agreement and establish a new peace mechanism. Then they will take military actions to create the reality to fit their logic.

Although less visible than nuclear and missile tests, North Korea has already been taking measures to put this issue on the table. In January 2009, the general staff of the Korean People’s Army (KPA) warned that it would take measures to defend the “military demarcation line” in the Yellow Sea, which it had unilaterally established in 1999, if South Korean vessels continued to violate North Korean “territorial waters” in the Yellow Sea. It also predicted that the “illegal” Northern Limit Line (NLL), a quasi-maritime borderline drawn by the United Nations Command in 1953 to separate the North and the South, would disappear.<sup>18</sup> In February 2009, the North Korean delegation demanded that the UN Command be dissolved.<sup>19</sup> In parallel with these pronouncements, the KPA increased its military activities in the Yellow Sea near two South Korean offshore islands. By May 2009, intensity of coastal gun fire exercises had doubled from the previous year, and six times as many sorties of fighter aircraft had flown in the area as in the last year. North Korean vessels crossed the NLL three times in February and March 2009.<sup>20</sup>

**There are three major diplomatic cards on the negotiating table, not just the nuclear issue.**

At the same time, North Korea has reactivated a venue to address this issue. At the request of the KPA, the General-Officers' Talks between the UN Command and the KPA convened in March 2009 for the first time since 2002.<sup>21</sup> The General-Officers' Talks have practically replaced the Military Armistice Commission as the most important administrative body to deal with armistice-related issues due to the North Korean effort

to invalidate the existing armistice mechanism.

These actions are also a rerun of North Korean actions in the 1990s. In 1993, North Korea started to claim that peace on the Korean Peninsula could be realized only if the Armistice Agreement was replaced by a peace agreement and the U.S.-led UN Command was dissolved.<sup>22</sup> In 1994, North Korea proposed the establishment of a new peace mechanism to the United States.<sup>23</sup> Then in 1996, it suggested that the two countries sign a "tentative agreement" that would replace the Armistice Agreement until a peace agreement was concluded.<sup>24</sup> Against this backdrop, North Korea embarked on a military-diplomatic offensive in 1999 to nullify the Armistice Agreement by challenging the legal status of the NLL. As a result, a major exchange of fire took place between North and South Korean navies in June 1999. But more surprisingly, the United States secretly suggested three separate peace agreements to South Korea in July: one between the United States and North Korea, one between the two Koreas, and one among these three countries plus China. Although South Korea rejected this proposal, North Korea's military-diplomatic campaigns were bearing fruit.<sup>25</sup> In September 1999, the KPA General Staff unilaterally announced the establishment of the "Military Demarcation Line at the West Sea of Korea" and claimed that, by avoiding discussion of the NLL, the United States had abandoned its "duty under the Korean Armistice Agreement."<sup>26</sup>

## **The U.S. Response**

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Even after the missile and nuclear tests, the United States has expressed willingness to engage with North Korea. On June 11, 2009, Ambassador Stephen Bosworth, special representative for North Korea policy, revealed a "four-pronged strategy" toward North Korea, which emphasized close regional consultation and cooperation, UN and national sanctions, defensive measures, and diplomatic engagement to negotiate a path to denuclearization if North Korea showed serious willingness. Bosworth reiterated U.S. policy not to

threaten to change the North Korean regime through force and its continued commitment to the September 2005 Joint Statement.<sup>27</sup>

The United States is willing to address not only nuclear and missile issues, but also signing a peace treaty with North Korea. On this point, Secretary of State Hillary Rodham Clinton stated in February:

If North Korea is genuinely prepared to completely and verifiably eliminate their nuclear weapons program, the Obama Administration will be willing to normalize bilateral relations, replace the peninsula's longstanding armistice agreements with a permanent peace treaty, and assist in meeting the energy and other economic needs of the North Korean people.<sup>28</sup>

This position did not change after the nuclear and missiles tests. On June 9, 2009, Bosworth envisioned the future of Northeast Asia as including "a denuclearized North Korea, a peace regime on the Korean Peninsula to replace the Armistice of 1953 and normal, interlocking relations among all countries, including the DPRK and the United States."<sup>29</sup> On June 11, 2009, he expressed his willingness to talk with the North Koreans about the normalization of relations and about new arrangements that might replace the 1953 armistice.<sup>30</sup>

## Risks and Limits

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Despite the indications that both sides are paving the way for eventual talks, there remain risks and limits. For one, talks might not produce positive results. For another, North Korea's improved nuclear and missile capabilities, combined with the ongoing succession process in Pyongyang, have heightened risks.

### Pyongyang's Reluctance

Future talks between the United States and North Korea might not produce good results. North Korea's brinkmanship diplomacy has produced fairly beneficial, but not outstanding, results for Pyongyang since 1993. For example, the 1994 Agreed Framework was good, but North Korea failed to obtain a light water reactor in the end. Its active missile diplomacy in the late 1990s resulted in the 2000 U.S.–DPRK Joint Communiqué, but diplomatic normalization was not achieved. In 2006, North Korea successfully used nuclear coercion to force the Bush administration to reengage with it and remove it from the list of state sponsors of terrorism. Yet, the U.S.–DPRK relationship did not improve too much.

Despite the tension arising from North Korea's brinkmanship diplomacy, its policy objective since the end of the Cold War has been simply to preserve its regime by exercising coercion and caution. Normalization, or at least improving its relations with the United States, was the most important means of achieving

that goal. North Korea might fail to achieve this ultimate goal of normalizing relations with the United States again if it continues to be too coercive or too cautious.

### **Improved Nuclear Capabilities**

North Korea's improved nuclear capabilities have exacerbated the potential risks in future contingencies, such as North Korea's collapse. North Korea is believed to have produced 40 to 50 kilograms of plutonium, which is enough for five to eight nuclear bombs. The two nuclear tests have reduced these numbers to approximately 26 to 38 kilograms, which is still enough for three to six nuclear bombs.<sup>31</sup> The May 2009 nuclear test proved that North Korea has successfully manufactured a nuclear device. In 2006, North Korea predicted a four-kiloton test but achieved less than one kiloton.<sup>32</sup> It achieved a much larger nuclear explosion, however, in the range of several kilotons, in May 2009. Siegfried S. Hecker, former director of the Los Alamos National Laboratory, estimated it to be in the two- to four-kiloton range.<sup>33</sup>

The only remaining missing link in determining whether North Korea's nuclear weapons have become usable is the issue of miniaturization. In March 2009, the U.S. Defense Intelligence Agency (DIA) assessed that North Korea "may be able to successfully mate a nuclear warhead to a ballistic missile."<sup>34</sup> Although not a definite answer, it is certainly a scary suggestion.

### **Improved Missile Capabilities**

North Korea fulfilled its most basic goal of successfully launching the variant of the Taepodong-2 missile in April 2009. It was a success in the sense that the July 2006 missile test had failed disastrously when the missile disintegrated in the air less than one minute after launch.<sup>35</sup> In 2009, both the first stage and the second stage rockets flew smoothly and impacted in the designated areas in the Sea of Japan and the Pacific Ocean, respectively, as predicted. The missile flew more than 3,000 kilometers. North Korea now has a ballistic missile capable of striking Guam.<sup>36</sup>

Yet, the missile launch failed to achieve what it could have. First, it was not a full-range flight of a Taepodong-2 missile. The missile is assessed to have a range of some 6,000 kilometers with a 1,000-kilogram payload.<sup>37</sup> The variant in the April test flew only half that range, far short of the 7,000 kilometers needed to reach Hawaii. Second, North Korea failed to put a satellite into orbit as it predicted. The United States estimates the range of a three-stage Taepodong-2 to be 15,000 kilometers with a small amount of payload.<sup>38</sup> With this, North Korea could deliver the small payload, be it a biological or chemical weapon, to New York or Washington, D.C. Although its impact would have been largely psychological instead of military, its implications for future U.S.–DPRK talks



could have been significant. The third stage did not separate in the April launch, however. In other words, North Korea failed to demonstrate rudimentary intercontinental ballistic missile capabilities in the test. Finally, North Korea failed to conduct a useful warhead reentry test. It is not clear what was loaded in the third stage, but warhead separation did not take place.

These limits of the April missile test are not necessarily a blessing to South Korea and Japan. Although the international attention has largely been focused on Taepodong missiles, what really matters to South Korea and Japan are Scud and No-dong missiles, respectively. Scud missiles are capable of attacking anywhere in South Korea, with hundreds deployed in the North. The No-dong has a range of 1,300 kilometers with a payload of about 1,000 kilograms.<sup>39</sup> A recent report stated that as many as 320 No-dong missiles have been deployed.<sup>40</sup> In fact, seven Scud and No-dong missiles were all successfully tested on July 4, 2009.<sup>41</sup>

As a result, North Korea is already capable of attacking South Korea and Japan with ballistic missiles. Given the DIA's estimate of North Korea's ability to miniaturize a nuclear device, North Korea may be able to use nuclear weapons against South Korea and Japan today. Consequently, it is imperative that the international community, especially Japan, South Korea, and the United States, work hard on the second and third items in Bosworth's announced four-pronged strategy, namely the sanctions to prevent North Korea from engaging in the proliferation of dangerous technologies as well as to dry up funding for its nuclear and missile-related entities and other companies, and the steps to implement defensive measures aimed at enhancing U.S. military capacity and the extended deterrence provided to its allies in the region.<sup>42</sup>

**North Korea will likely raise tensions in the Yellow Sea, the DMZ, and/or Panmunjom.**

### **Succession**

Kim Jong-il reportedly suffered a stroke in 2008. Although his condition has improved since then, his ability to govern North Korea effectively seems doubtful. When he dies or if he remains severely incapacitated, his personality cult in North Korea will be weakened, and an opportunity for change might arise. Positive change, however, may not necessarily result. A new North Korean leader can decide to inherit Kim Jong-il's legacy and govern his country as his predecessor did. This may not be too difficult, given the highly institutionalized totalitarian governing system. Most of the top leaders in North Korea have ties to him and, therefore, are likely to inherit his policies. The most likely successor is his third son, Kim Jong-un. The second most powerful man in North Korea, Jang Song-thaek, is the husband of Kim Jong-il's sister. The fact that the state

**D**PRK leaders are bold in taking hostile actions, but cautious in taking positive steps.

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functioned normally while Kim Jong-il was supposedly hospitalized indicates that change may not be on the horizon.

Quite apart from the new leader's personality, his ability to adopt a new set of policies would be limited by the resources available to him. Nuclear weapons and ballistic missiles are the only internationally competitive policy tools that North Korea possesses. The DPRK's geostrategic

position would not be changed by succession.

In fact, succession in North Korea might mean more to the international community and highly concerned countries such as the United States than to North Korea itself. A change of top leadership in North Korea will likely enhance policy flexibility in Japan, South Korea, and the United States. Kim Jong-il's record as a perpetrator of the abduction of South Korean and Japanese citizens in the 1970s and 1980s, the Rangoon incident and the bombing of a Korean Air passenger aircraft in the 1980s, and massive human rights violations throughout his rule have remained major obstacles for the governments in all three democracies to normalize relations with North Korea. If a new leader in Pyongyang could plausibly claim that he was not involved in the major incidents or past human rights violations, it would make it much easier for the three democracies to talk to the new leader and look for ways to normalize relations with his country. In a way, a stereotypical dictator such as Kim Jong-il affords an opportunity for the future leaders of North Korea. When he goes, he could take most of the historical baggage with him.

There is certainly a limit to these positive implications. Most of North Korea's top leaders are related to Kim Jong-il and, therefore, are not free from accusations that they were collaborators rather than reformers. If Kim Jong-un is to succeed Kim Jong-il, he must find ways to do so without inheriting his father's negative historical baggage. The good news for the new leader is that, if he fulfills the minimum necessary demands of North Korea's neighbors for decency in the conduct of internal and external policies, they might be willing to support him and his self-characterization as a new and open-minded leader with whom they can do business in order to avoid instability or the possible eruption of a crisis and to resolve pending issues.

## **The Way to Go**

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North Korean leaders are bold in taking negative, hostile actions but extremely cautious in taking positive, conciliatory steps. They risked war in the nuclear

crisis of 1994, and they failed to take the offer made by the Clinton administration to normalize relations in 2000. They agreed to “disable” part of their nuclear program but did not go any further.

From Pyongyang’s perspective, this might actually be the optimal strategy. North Korean brinkmanship diplomacy has been executed in a halfhearted manner and has produced commensurately mediocre results. The reason behind this is the dilemma that North Korea faces: it could obtain large gains if it completely abandoned its nuclear and missile programs, but once it did, it would be left with no effective policy leverage. Nobody knows better than Kim Jong-il what his portfolio of policy options looks like and how solid or fragile his regime might be. It is perfectly natural that North Korean leaders try to play some cards but keep others.

By now, North Korea has used every possible tool in its brinkmanship diplomacy. North Korea will keep playing the same game. What will make a difference is how the United States plays the game this time. Robust engagement, including an option to normalize U.S.–DPRK relations, combined with strenuous counterproliferation and defensive efforts is the way to go.

**W**hat will make a difference is how the United States plays the game this time.

## Notes

1. The missile issue did not become a major topic in the Six-Party Talks although the North Korean side actually suggested it be one. North Korea proposed a “package solution” in 2003. According to the proposal, the United States would conclude a nonaggression treaty with the DPRK, establish diplomatic relations with it, guarantee economic cooperation between the DPRK and Japan and between two Koreas, and compensate North Korea for the loss of electricity caused by the delayed provision of light water reactors and complete their construction. In return, North Korea would not make nuclear weapons, accept nuclear inspections, eventually dismantle its nuclear facilities, freeze missile tests, and stop missile exports. See “Keynote Speeches Made at Six-way Talks,” Korean Central News Agency (KCNA), August 29, 2003, <http://www.kcna.co.jp/item/2003/200308/news08/30.htm>.
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