

Bridging the Divide: South Korea's Role in Addressing Nuclear North Korea

April 26, 2016

Benjamin A. Engel, Jaesung Ryu, and Young-Hwan Shin

TENSION HAS BEEN GROWING ON THE KOREAN PENINSULA after the fourth nuclear test by North Korea, followed by UNSC Resolution 2270 and by countermeasures by individual nations against North Korea. The two opposing parties, South Korea and international society on the one hand and North Korea on the other, are volleying reciprocal hostile actions and words back and forth. This string of events is nothing new to those who follow events on the Korean Peninsula and most will recognize this back and forth as indicative of a much broad and “vicious” cycle — North Korean nuclear tests, the resultant sanctions by the United Nations, and negotiations to alleviate the tension — that has thus far continued relatively unabated for over a decade.

South Korea's role in addressing the nuclear issue of North Korea has been limited, even though it is the core stakeholder most acutely affected by North Korea's continuing provocations. South Korea needs to contribute to ending the long standing insecurity not only for itself but for all concerned states including North Korea. To do so, first it is necessary to understand why the UN's previous resolutions and sanctions have failed to achieve their goal — denuclearization of North Korea or at a minimum slowing down its nuclear development — and what should be done in order to make the sanctions regime effective.

First Divide: Collective Efforts of the UN

The United Nations Security Council (UNSC) Resolution 2270 represents one of the strongest responses by the international community to North Korea's continued development of nuclear weapons and ballistic missiles. Compared to past resolutions, the proscriptions are more detailed and wide-ranging,¹ and it may well be the strongest sanctions imposed by the council in 20 years.² The fact that the new resolution was co-sponsored by a record number of more than 50 countries is definitely an encouraging sign as well.³ In order to achieve the stated goal of denuclearizing North Korea, however, political pressure must be backed up by the ability to change Pyongyang's calculus. Keeping in mind past failures to break the vicious cycle mentioned above, the first step is to demonstrate that sanctions regime hinges not on the language of the resolution but the ability to effectively implement each line of it.

The East Asia Institute takes no institutional position on policy issues and has no affiliation with the Korean government. All statements of fact and expressions of opinion contained in its publications are the sole responsibility of the author or authors.

“Bridging the Divide: South Korea's Role in Addressing Nuclear North Korea” ISBN 979-11-86226-83-4 95340

Edit and Typeset: Benjamin A. Engel, Young-Hwan Shin

The East Asia Institute
 #909 Sampoong B/D, Eulji-ro 158, Jung-gu,
 Seoul 04548, South Korea
 Phone 82 2 2277 1683 Fax 82 2 2277 1697
 Email eai@eai.or.kr Website www.eai.or.kr



Despite the fact that the world has come together in condemnation of North Korea's nuclear tests to pass numerous UNSC resolutions, Pyongyang has continued developing its nuclear and ballistic missile programs.⁴ This leads one to conclude that implementation of the sanctions has not been efficient enough to prevent North Korean circumvention. Indeed, the number of countries that submitted their respective implementation reports to the UNSC, as called upon by past resolutions regarding North Korea, remains stagnant at about 50 percent to date (see Table 1).⁵ In terms of region, about 98 percent of European countries submitted their implementation reports while only about 11 percent of African countries did so. About 40 to 50 percent of countries in Asia, the Americas, and the Middle East submitted their implementation reports to the UNSC (see Table 2). Of course, submitting these reports alone does not mean sanctions are going to be effectively implemented. But we must realize that, in theory, 50 percent of countries pledging to implement UNSC measures could also mean that North Korea can still reach out to at least

Table 1. Implementation Report Submission by UN Member States

Resolutions	Count (% of total)
Resolution 1718 (2006)	78 (40.6%)
Resolution 1874 (2009)	57 (29.7%)
Resolution 2094 (2013)	29 (15.1%)
Number of member states that submitted a report at least once	101 (52.6%)

*As of March, 2016

Table 2. Implementation Report Submission by Region

Region	Submitted	Did not Submit	Rate (%)
Asia	17	19	47.2
America	15	20	42.9
Europe	53	1	98.1
Middle East Asia	10	10	50.0
Africa	5	41	10.9
Total	101	91	52.6

*As of March, 2016

the other 50 percent of countries in the world, which is an easy environment for its circumvention technique. This suggests there is more to be done if the newest sanctions against North Korea are going to be effective.

Implementing the new UNSC resolution for sanctioning North Korea requires countries to pay their own costs. While most countries would agree on the gravity of the threat posed by North Korea's nuclear weapons and ballistic missiles, some countries might feel that it is against their best interest to put too much effort into implementing the sanctions while others may simply lack the resources to do so. The latest sanctions introduced by the Resolution 2270 are both demanding as well as dependent on the implementing country's discretion.⁶ Realizing that there is a limit to what the UN body can do in terms of enforcement, that responsibility would ultimately fall under the collective willingness of the international community. In that sense, countries need to be more open for greater collaboration when it comes to sanctions implementation.

There is another reason why we should count on member states' good will to collaborate against a nuclear threat. Each phrase in the resolution requires interpretation when applied in the real world. How are "luxury" goods defined? Or how are energy resources associated with nuclear development and civilian use categorized? Rules and legal statements cannot perfectly capture all real world possibilities. Therefore, we need to interpret them in the light of the law's basic aim. However, on the international level, the interpretation is more autonomous, and often dependent upon individual state's national interests. This makes it even more difficult to implement international regulations according to their original spirit. Therefore, creating a shared vision and will among member states who signed the resolution is crucial and demands collaboration.

Then how can we achieve such collaboration? The most obvious step countries need to take is fulfilling the UNSC requirements, which include submitting the implementation report pursuant to Resolution 2270. Likewise, the Panel of Experts under the



UN's North Korea sanctions committee should be able to release more information to the public on what it has found in terms of member states' violations of the sanctions.⁷ In doing so, more interested countries should be able to encourage others to cooperate while offering technical and other forms of assistance should such assistance be necessary. Raising the audience cost of sub-par implementation through increased monitoring is another important approach to keep the international community in line. In this regard, leading countries with special interest in WMD and nonproliferation should take the initiative to persuade and encourage member states' participation in the sanction regime, thus overcoming limitations of the UN's multilateral system. If this can be achieved through delicately organizing a sanction network, the resolution should apply increased pressure on Pyongyang forcing recalculation of its gains and losses obtained through development of nuclear weapons.

Second Divide: Regional Key Actors' Changing Positions

The sanctions outlined in Resolution 2270 have the strong support of all the key stakeholders in the North Korea denuclearization talks and all agree that the goal of the sanctions is to bring about North Korean compliance with international law. The leading role of the key stakeholders is essential not only in effective implementation of the international sanctions, but also in bringing peace to a denuclearized Korean Peninsula by breaking out of the vicious cycle. And denuclearization and a permanent peace treaty are the two main issues which key stakeholders must negotiate. While a consensus to realize denuclearization first and then negotiate a peace treaty previously existed, the positions of some states has become more fluid as of late causing concern over the order of which these two important steps should be taken.

The default position of the U.S. and China entering 2016 can be roughly described as adhering to the

2005 Joint Statement of the Six-Party Talks which prescribed that peace treaty negotiations would be held in a forum outside of the Six-Party Talks, essentially meaning that denuclearization would take place first followed by a peace treaty.⁸ This is reflected in a statement made by a spokesperson for the Chinese Foreign Ministry on March 6, 2013 following North Korea's third nuclear test, "a peace mechanism should replace the armistice mechanism on the Peninsula in the long run."⁹ This statement is not far from the language used by U.S. Secretary of State John Kerry during a joint press conference with the Chinese Foreign Minister on February 23, 2016: "[North Korea] can actually ultimately have a peace agreement with the United States of America that resolves the unresolved issues of the Korean Peninsula, if it will come to the table and negotiate denuclearization."¹⁰

However, the Chinese position on the order of denuclearization and peace talks has shifted over the previous months. The Chinese government is no longer repeating the constant rhetoric of calling for a return to the Six-Party Talks after the February 23rd joint press conference during which Chinese Foreign Minister Wang Yi called for "parallel tracks" for achieving denuclearization on the Korean Peninsula and a permanent peace treaty. Since then the Chinese government has begun calling for any talks amongst interested parties, likely given the fact that the 2005 Joint Agreement does not reflect their new position.¹¹ This position of "parallel tracks" was reiterated during talks between Wang and Russian Foreign Minister Sergei Lavrov on March 2, 2016. Wang stressed the parallel approach to achieve denuclearization on the Korean peninsula, and Lavrov responded by saying Russia would continue to coordinate closely with Beijing.¹²

China's new position may be based on its concern that North Korea may withdraw the nuclear issue from the negotiation table. In 2005, North Korea was willing to exchange nuclear development for security and economic assistance. But, in 2012 it declared its nuclear power status publicly in its constitution,¹³ and



most recently disclosed pictures and a blueprint of its military plan and miniaturized nuclear warhead.¹⁴ North Korea has remained consistent in its desire to be recognized as a nuclear power. Even though Kim Jong Un showed some desire for a peace treaty in the New Year Address, he also ordered the fourth nuclear test shortly thereafter.¹⁵ Unfortunately, North Korea seems to be separating denuclearization from peace treaty negotiations, and declared its intention to remain a nuclear power.

The U.S. on the other hand continues to officially adhere to the position that it supports the 2005 Joint Statement and insists that the focus is denuclearization with no other subjects being discussed without addressing denuclearization.¹⁶ However, the order of denuclearization and a peace treaty is ambiguous as a report by the Wall Street Journal on February 21, 2016, suggests that when the U.S. was approached by Pyongyang at the end of 2015 regarding peace treaty discussions, the U.S. was willing to take up denuclearization talks in conjunction with discussions on a peace treaty, a counteroffer which North Korea rejected.¹⁷ Also, U.S. State Department has not officially ruled out the possibility of its considering a “parallel process.” Yet this wavering may have ceased as at a recent press conference in Seoul on March 11, 2016, U.S. Ambassador to South Korea Mark Lippert emphasized that North Korea denuclearization is the U.S. government’s first priority.¹⁸

South Korea holds a similar position to the U.S. but has been showing little desire to budge following the most recent nuclear test. An ROK Foreign Ministry spokesperson recently stated that denuclearization is the top priority and that “This is not the time for international society to be discussing means for the resumption of detailed talks with North Korea. Rather an extensive consensus on strengthening pressure on North Korea is forming.”¹⁹ Considering its geographical and strategic position, South Korea has consistently emphasized the priority of denuclearizing North Korea, and it has been notably unenthusiastic about

the possibility of a peace treaty between the U.S. and North Korea. Following the UNSC resolution, the South Korean government manifested additional coercive measures against the North and held a bilateral dialogue with high level officials from U.S. in order to ensure the effectiveness of the sanctions.

As shown above, South Korea believes that the aim of sanctions is to exert intense pressure on North Korea so that it has no choice but to change its behavior. So while the South Korean government recognizes the importance of international cooperation, especially collaboration with neighboring countries: Japan, China, and Russia, its insistence on creating extreme levels of pressure without considering dialogue with the North has caused a setback in Sino-South Korea relations.²⁰ If these various positions on the order of peace negotiations and denuclearization cannot be organized into a single voice toward North Korea, it is extremely likely that not only will North Korea use these differences to play one party off against another, but that the implementation of the sanctions will suffer due to a lack of coordination.

Bridging the Divide: South Korea’s Role as a Middle Power

Repetitious crises and limited alleviation has resulted in ever increasing tension on the Korean Peninsula. In order to break out of this vicious cycle, South Korea’s intermediary role is important both in implementing sanctions and in diplomatic negotiations for denuclearization and a peace settlement on the Peninsula. The South Korean government previously declared its intention to act as a middle power in order to contribute to promoting international peace and security both in traditional and emerging areas.²¹ One of the core roles of a middle power is to serve as a bridge among big powers and small powers to coordinate different interests and seek common goals.²² In order to thaw the current icy situation on the Korean Peninsula, South Korea should stick to its middle power diplo-



macy initiative in multilateral forums, the UN, and in the mini-lateral table in Northeast Asia.

The UNSC resolution requires that all member states collaborate on implementing the sanctions against North Korea. Considering that member states' cooperative and active participation in effectively implementing the sanctions, diplomatic effort to lead collaboration is required. Therefore, South Korea should demonstrate its active role as a middle power by persuading and encouraging member states to cooperate. South Korea's diplomacy has been heavily focused on neighboring powers and relatively limited on the multilateral stage. Encouraging *all* member states to implement the new resolution accordingly should be a core goal of South Korea's middle power diplomacy in the UN.

Sanctions themselves are not a goal, and they should be regarded as a means to lead the "target" to change its behavior. Penalizing North Korean behavior is necessary; but new measures for the next step, the negotiation stage, should be simultaneously considered if the cycle is to be broken. South Korea should recognize that positions of big powers, especially the U.S. and China, around the Korean Peninsula are shifting and growing apart from one another, especially related to the ordering of denuclearization and a permanent peace treaty on the Korean Peninsula. Here, the bridging role of a middle power will be necessary. If the U.S. and China disagree over the North Korea nuclear issue and if they cannot compromise, the future of Korean Peninsula will be even darker. South Korea does not want its peninsula to be an arena of competition among big powers. Preventing the neighboring big powers' interests from diverging and coming into conflict can be accomplished if South Korea remembers one of the core functions of middle power diplomacy and exerts effort to keep the U.S. and China on the same page.

South Korea needs to remember that bridging does not simply mean connecting, but also suggesting new diplomatic alternatives which each actor may

accept. Up till now, denuclearization has been sought in exchange for economic assistance including investment, industrial complexes, infrastructure, energy, etc. It should be understood that the pay-off matrix of denuclearization and economic assistance has not succeeded in bringing about the desired outcome. Therefore, a new package of pay-offs needs to be designed which requires creative prudence, an essential virtue for a middle power.

Finally, from previous experience, it is reasonable to expect that North Korea will approach some of the neighboring countries for talks after the news of the sanctions has become stale. During these dialogues South Korea is usually ignored. For example, Pyongyang took advantage of the "abduction issue" to begin normalization negotiations with Japan, and it invited basketball player Dennis Rodman when it tried to sound out the possibility of talking with the U.S. Both cases were initiated by North Korea, and neither was helpful for improving the security situation on the Korea Peninsula. Even the leading powers can be attracted to make use of North Korea for their own political interest. It is evident that bilateral approaches do little to weaken North Korea's strategic position and in fact actually strengthen it leading to the continued nuclear insecurity in the region. Therefore, South Korea's role in coordinating among interested parties is essential to build a new path toward peace. ■

——— *Benjamin A. Engel* is a Research Fellow in the Peace and Security Research Unit of the East Asia Institute. *Jaesung Ryu* is a Research Fellow in the Peace and Security Research Unit of the East Asia Institute. *Young-Hwan Shin* is a Senior Research Fellow and the Chief of the Peace and Security Research Unit of the East Asia Institute.



Notes

- ¹ Stephan Haggard, “The Security Council Resolution” Web blog post, North Korea: Witness to Transformation, Peterson Institute for International Economics, March 3, 2016 (Accessed on April 14, 2016) <http://blogs.piie.com/nk/?p=14880>
- ² Richard Nephew, “UN Security Council’s New Sanctions on the DPRK,” *38 North*, March 2, 2016 (Accessed April 14, 2016) <http://38north.org/2016/03/rnephew030216>.
- ³ United States Mission to the United Nations, “Remarks by Ambassador Samantha Power, Ambassador Motohide Yoshikawa, and Ambassador Oh Joon, at the Security Council Stake-out Following the Adoption of Resolution 2270 on DPRK Sanctions,” March 2, 2016 (Accessed on April 14, 2016) <http://usun.state.gov/remarks/7164>.
- ⁴ For a list of past resolutions past concerning the DPRK’s nuclear weapons program see <https://www.un.org/sc/suborg/en/sanctions/1718/resolutions?page=1>.
- ⁵ To view all implementation reports submitted to the sanctions committee see <https://www.un.org/sc/suborg/en/sanctions/1718/implementation-reports>.
- ⁶ Stephan Haggard, “The Security Council Resolution” Web blog post, North Korea: Witness to Transformation, Peterson Institute for International Economics, March 3, 2016 (Accessed on April 14, 2016) <http://blogs.piie.com/nk/?p=14880>.
- ⁷ For information on the Panel of Experts see https://www.un.org/sc/suborg/en/sanctions/1718/panel_experts/work_mandate.
- ⁸ U.S. Department of State, Joint Statement of the Fourth Round of the Six-Party Talks, September 19, 2005 (Accessed on April 14, 2016) <http://www.state.gov/p/eap/regional/c15455.htm>.
- ⁹ Kyle Cassily, EAI U.S.-China Relations Statement Factsheet, July 2013 (Accessed on April 14, 2016) http://www.eai.or.kr/data/bbs/eng_report/2013112212202686.pdf, pg. 5.
- ¹⁰ U.S. Department of State, Remarks With Chinese Foreign Minister Wang Yi, February 23, 2016 (Accessed on April 14, 2016) <http://www.state.gov/secretary/remarks/2016/02/253164.htm>.
- ¹¹ Yunbi Zhang, “China ‘open to initiatives’ to solve Korean Peninsula issue,” *China Daily*, March 8, 2016 (Accessed on April 14, 2016) http://www.chinadaily.com.cn/china/2016twosession/2016-03/08/content_23781787.htm.
- ¹² Ministry of Foreign Affairs of the People’s Republic of China, Wang Yi Holds Phone Talks with Foreign Minister Sergei Lavrov of Russia, March 2, 2016 (Accessed on April 14, 2016) http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1345113.shtml.
- ¹³ Stephan Haggard and Jaesung Ryu, “The DPRK Constitution and Nuclear Weapons” Web blog post, North Korea: Witness to Transformation, Peterson Institute for International Economics, June 5, 2012 (Accessed on April 14, 2016) <http://blogs.piie.com/nk/?p=6331>.
- ¹⁴ Jack Kim, “North Korea’s Kim says country has miniaturized nuclear warheads,” *Reuters*, March 9, 2016 (Accessed April 14, 2016) <http://www.reuters.com/article/us-northkorea-nuclear-kim-idUSKCN0WA2QM>.
- ¹⁵ Young-Sun Ha, “Kim Jong Un’s New Year Address and the Nuclear Test: a Prelude to the ‘Ambitious Blueprint,’” *East Asia Institute Column*, January 11, 2016 (Accessed on April 14, 2016) http://www.eai.or.kr/type/panelView.asp?bytag=p&catcode=+&code=eng_report&idx=14450&page=1.
- ¹⁶ U.S. Department of State, Daily Press Briefing, February 26, 2016 (Accessed on April 14, 2016) <http://www.state.gov/r/pa/prs/dpb/2016/02/253722.htm#DPRK>.
- ¹⁷ Alastair Gale and Carol E. Lee, “U.S. Agreed to North Korea Peace Talks Before Latest Nuclear Test,” *Wall Street Journal*, February 21, 2016 (Accessed on April 14, 2016) <http://www.wsj.com/articles/u-s-agreed-to-north-korea-peace-talks-1456076019>.
- ¹⁸ Seung-woo Kang, “Lippert: US priority on North Korea is denuclearization,” *The Korea Times*, March 13, 2016 (Accessed on April 14, 2016) http://www.koreatimes.co.kr/www/news/nation/2016/03/116_2_00262.html.
- ¹⁹ Republic of Korea Ministry of Foreign Affairs, Press Briefing, February 25, 2016 (Accessed on April 14, 2016) http://www.mofa.go.kr/news/briefing/index.jsp?menu=m_20_1_0. (in Korean)
- ²⁰ “Seoul and Beijing clashing over question of enforcing N. Korea sanctions,” *The Hankyoreh*, March 16, 2016 (Accessed on April 14, 2016) http://english.hani.co.kr/arti/english_edition/e_northkorea/735244.html.
- ²¹ Republic of Korea Ministry of Foreign Affairs, “2014 Diplomatic White Paper,” December 17, 2014 (Accessed on April 14, 2016) http://www.mofa.go.kr/state/publication/whitepaper/2014/20141028/2014_1.pdf.
- ²² Sook-Jong Lee, Chaesung Chun, Hyejeung Suh, and Patrick Thomsen, “Middle Power in Action: The Evolving Nature of Diplomacy in the Age of Multilateralism,” *East Asia Institute Working Papers*, April 30, 2015 (Accessed April 14, 2016) http://www.eai.or.kr/type/panelView.asp?bytag=p&catcode=+&code=eng_report&idx=13703&page=1.

