



# The Asia-Pacific Journal: Japan Focus

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## In Deep Denial on North Korea and Prospects for US-North Korea Negotiations

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"History is bunk," Henry Ford once proclaimed. His statement is often cited as evidence for Americans' lack of interest in the past. But some versions of history *are* bunk. Two memoirs by National Security Council officials, Victor Cha in the Bush administration and Jeffrey Bader in the Obama administration, reflect Washington's deep denial of its own recent past with North Korea. Deep denial still misinforms – and shackles – U.S. policy.

Three theses are central to their readings of history. First is their characterization of past dealings with Pyongyang as, in Bader's words, a "cycle of North Korean provocation, extortion, and accommodation (by China, Japan, Russia, South Korea, and the United States) and reward."<sup>1</sup> No doubt, North Korea's bargaining tactics have been aggressive, but did it always take without ever giving up anything in return? Second is their claim that Pyongyang was never willing to stop arming: "For decades," writes Bader, "its leaders have single-mindedly pursued a nuclear weapons program. Their tactics have shifted, but their goal has not."<sup>2</sup> Third is their confidence that the Kim regime will not last long. Cha calls it "The Impossible State," by which he means it is on the verge of collapse once again: "I believe that the forty-fifth president of the United States will contend with a major crisis of governance in North Korea before he or she leaves office."<sup>3</sup>

### A Policy Premised on Denial

Willful ignorance of the past has implications for policy, all of them misguided: disengagement and coercion are essential and negotiations can wait. Even worse, there is no need for a coherent North Korea policy—just wait for the regime to collapse, and the problem will go away.

Bader describes the Obama administration's initial outlook this way, "We needed a policy that would *force* North Korea to reassess the value of its program and therefore maximize the chance of pursuing denuclearization seriously."<sup>4</sup> This approach has a number of problems but the most obvious is that coercion required cooperation from China. Why administration officials, especially one who specialized in China, thought such cooperation would be possible is unclear.

Instead, "strategic patience" became the watchword of North Korea policy from the beginning of Barack Obama's presidency. On his very first day at work, Bader killed a State Department cable intended "to provide the North Koreans with a sense of continuity in policy" and upbraided the deputy assistant secretary for East Asia responsible: "Henceforth, I added, we would not communicate with the North Koreans without first coordinating with Seoul, Tokyo, and ideally with Beijing and Moscow."<sup>5</sup> As of mid-February 2009, when Secretary of State Hillary Rodham Clinton embarked on her first trip to Asia "our team had not developed details of a negotiating strategy," writes Bader. "At this point our goal was to firm up our relationships with the key players—first the South Koreans, then the Japanese, and finally the Chinese."<sup>6</sup>

In so doing, the administration essentially left North Korea policy hostage to leaders in Japan and South Korea who opposed negotiating. Secretary of State Condoleezza Rice recalls in her memoir that by 2008, "It began to feel as if the Japanese wanted the Six-Party Talks to fail lest they lose their leverage with us to help them with the admittedly tragic abduction issue."<sup>7</sup> Bader, who accompanied Secretary Clinton on her trip to Asia, reports that President Lee Myung Bak told them Pyongyang would become more pliable "if the international community, especially South Korea and the United States, showed firmness and did not repeat previous acceptance of North Korean extortion."<sup>8</sup> Consulting and working with allies is admirable, but one suspects, given the record of the past three years, that the administration would have done better to learn from Secretary Rice's experience in dealing with the allies.

### Extortionist North Korea?

In the Cha-Bader version of history, extortion becomes synonymous with negotiation on the grounds that North Korea is a serial deal-breaker that never gives the United States (or anyone else) anything in return. Reality is much more complicated.

Nowhere in their books does the seemingly salient fact appear that until recently, the only way North Korea had to generate fissile material for weapons was its plutonium program at Yongbyon. The pace of that program has been anything but full speed ahead. The North stopped reprocessing in 1991—three years before it signed the Agreed Framework—at a time when it had perhaps one bomb's worth of plutonium. If the North's leaders were so "single-minded" about arming, then why stop? And why was Pyongyang willing to halt that program verifiably by concluding the 1994 US-North Korea Agreed Framework? Not only did it thereby forgo generating a fissile material stockpile that could have been large enough by the end of the decade to build 100 nuclear weapons, according to US intelligence. It also allowed key facilities in which it had invested hundreds of millions of dollars to deteriorate to a point that they became unsalvageable.

Washington, for its part, was slow to fulfill its obligations under the Agreed Framework, especially its commitment to "move toward full normalization of political and economic relations."<sup>9</sup> Pyongyang, in turn, threatened to break the accord. It began acquiring the means to enrich uranium in 1997, then conducted its first and only test-launch of a longer-range Taepodong-1 missile in 1998, and opened contacts with Syria on help for its nuclear reactor. But it did not renounce the Agreed Framework for twelve years and did not resume reprocessing until 2003—only after the Bush administration had scrapped the accord.

Both Bader and Cha have similar versions of that pivotal moment. Bader writes:

In [October] 2002 the State Department's assistant secretary for East Asia, Jim Kelly, confronted the North Koreans over their enrichment program. They responded angrily with a statement suggesting it was true. The United States then halted fuel deliveries and suspended work on the light-water reactors promised to the North.<sup>10</sup>

Compare Cha's version: "His North Korean counterpart responded defiantly that the DPRK was entitled to such weapons, but then later denied they had such a program."<sup>11</sup>

Both would have done better to get the story of that moment from those directly involved. In fact, the North Koreans offered to forgo uranium enrichment, as well as plutonium production in return for diplomatic recognition, legal assurances of nonaggression, including non-use of nuclear weapons, and not impeding its economic development, as Kelly himself acknowledged three weeks later: "*They did suggest after this harsh and—personally, to me—surprising admission that there were measures that might be taken that were generally along those lines.*"<sup>12</sup> In her memoir, Rice is more forthright. Kelly, she reports, was bound in a diplomatic straitjacket:

Usually there is enough trust in an experienced negotiator that the guidance is used more as points of reference than as a script. But in this case, given the fissures, the points were to be read verbatim. There were literally stage directions for Kelly. He was not to engage the North Koreans in any side conversation in any way. That left him actually moving to the corner of the table to avoid Pyongyang's representatives.<sup>13</sup>

Rice's conclusion is worth underscoring: "Because his instructions were so constraining, Jim couldn't fully explore what might have been an opening to put the program on the table."<sup>14</sup>

Close observers may find Cha's ringing defense of the Bush administration's diplomacy hollow. Pyongyang's occasional double-dealing is well known, but any possibility that Washington had ever failed to negotiate in good faith or fulfill its commitments is air-brushed out of his portrayal. In Cha's appraisal, Vice President Dick Cheney, whose "reputation in the media" was "in favor of collapsing the North Korean regime as the solution to the nuclear problem, was, in actuality, one of the most thoughtful voices behind the scenes."<sup>15</sup> Moreover, says Cha, "Contrary to popular opinion, President Bush never had, nor asked for, a plan to collapse the North Korean regime that he despised so bitterly. He knew peaceful diplomacy was the best option for denuclearizing North Korea, but he wanted a different format for doing so."<sup>16</sup>

Cha would have done himself a service by drawing on Rice's memoir, which contradicts his self-serving assertions. "Frankly, the President was on the hawks' side of the fence," she writes.<sup>17</sup> At the end of 2002, papers were commissioned on a strategy for North Korea: "Samantha Ravich, from the Office of the Vice President, proposed that we explicitly announce that regime change was our goal and lay out a set of steps to get there."<sup>18</sup> In 2005, after she became Secretary of State, Rice had a "heart-to-heart" with Bush. "The President needed to be comfortable with the idea that we might have to talk to the North Koreans to achieve what we wanted. It was surely a long shot, but maybe Kim Jong Il could be induced step-by-step, to give up his nuclear ambitions in exchange for benefits, which would also be doled out step by step."<sup>19</sup> In the end, Bush consoled himself that talks did not mean regime change was off the table: "'No,' the President told his top aides. 'It's just regime change by other means. He'll never survive if that place is opened up.'"<sup>20</sup>

The President's turnabout opened the way to the September 2005 Six-Party Joint Statement. Yet no sooner had that accord been completed and sent ad ref to capitals than the Treasury Department invoked Section 311 of the Patriot Act to freeze North Korean hard-currency accounts around the globe, some with the proceeds from illicit activities but many with the gains from lawful trade. As Secretary Rice puts it, "After the United States had designated the Macau-based Banco Delta Asia as an entity 'of primary money-laundering concern' for facilitating transactions on behalf of the North Korean regime, many financial institutions had reportedly severed their ties with Pyongyang."<sup>21</sup> Without bothering to note that it contravened a provision of the accord in which "the Six Parties undertook to promote economic cooperation," Cha dismisses the Treasury's action: "At the time, the Section 311 on BDA seemed like an innocuous law enforcement action."<sup>22</sup>

### Obama's Outstretched Hand?

Cha's account of North Korea's rocket launch and nuclear test of 2009 is nonsense: "Yet when President Barack Obama extended an open hand to the regime, it was slapped away definitively."<sup>23</sup> Bader, in contrast, makes clear Obama was not open to talks. Still, his version of events is almost as one-sided as Cha's:

In February the intelligence community reported that North Korea was preparing to test another Taepodong-2 ... The North Koreans proceeded with their test on April 5. ... In April the North Koreans sent Washington a private message making several threats: (1) to explode a nuclear device, (2) to develop an ICBM capable of reaching the United States, (3) to enrich uranium to enable them to develop a light-water reactor. ... In response to the Security Council statement, the North Koreans announced they were once again expelling the IAEA inspectors and removing the seals and cameras monitoring the Yongbyon reactor. ... The sequence of events suggests strongly that the North Koreans planned all along to proceed with a series of provocations in the first half of 2009, including the missile test, the expulsion of the inspectors, the halting of the Six-Party Talks, and the testing of a second nuclear device. They were repeating their old pattern of provocation designed to induce a reward.<sup>24</sup>

Bader's account ignores a number of pertinent facts. Under President Lee, South Korea, with enthusiastic support from Japan, had reneged on an October 2007 Six-Party accord by halting a promised shipment of energy aid in the waning weeks of the Bush administration. The North did not respond by resuming plutonium production at Yongbyon halted under that accord. Instead, it began preparations for the missile launch in late January but did not conduct the launch until April 5, giving the administration more than two months to reverse the decision to halt energy aid or open talks to resolve the issue.

That, Bader makes clear, was precisely what the administration was unwilling to do:

In March the president chaired a National Security Council meeting in which the political and military contingencies were considered and responses decided upon. ... The president told his senior staff he wanted to break the cycle of provocation, extortion, and reward that various U.S. administrations had confronted and ultimately accommodated in the past fifteen years. ... Defense Secretary Gates stressed the importance of not providing inducements to bring North Korea back to the table, or "not paying for the same horse three times." The president agreed. There was no mention then, or at any subsequent time, of candidate Obama's suggestion of a willingness to meet Kim Jong-il.<sup>25</sup>

Gates' oft-repeated canard, like the many references to extortion, implies both that Pyongyang's primary interest was financial rather than political—a fundamental change in its relations with the United States—and that the United States had paid in full without getting anything in return, which it did not. Nor did American participants seem to have a real grasp of the history of negotiations with the DPRK that went beyond the cartoonish.

### North Korean Provocations?

Bader views North Korea's torpedoing of a South Korean corvette, the *Cheonan*, in the West (Yellow) Sea on March 26, 2010 as just another "provocation"—one of the most misleading words in the US official lexicon. "Whenever it has sought attention and rewards from the United States and South Korea, it has resorted to incitements of this nature," he writes. It would be nice if Bader could actually explain which historical incidents he is referring to but the reader is given no explanation.

### The Cheonan lifted from the water

While such an attack was inexcusable, careful scrutiny of North Korean sources suggests that from their perspective the torpedoing of the *Cheonan* was a reprisal for the South Korea's November 10, 2009 attack on a North Korean naval vessel that had crossed into the contested waters of the West Sea south of the Northern Limit Line. In



response to the *Cheonan* attack, the South conducted a live-fire exercise in those waters, triggering another North Korean reprisal, this time on Yeonpyeong Island.

The South's announcement that it would conduct yet another live-fire exercise in the area alarmed Washington, Bader recounts:

In a heated discussion in mid-December, the Deputies Committee debated whether to try to persuade South Korea to abort the exercise ... The South Koreans were considering retaliation well beyond a local response. They also seemed prepared to delegate authority to local commanders to undertake a disproportionate response that might have triggered a North Korean artillery barrage in populated areas. Some in the Deputies Committee argued that a live-fire exercise at that moment, when the U.S.S. *George Washington* was steaming into the Yellow Sea, was unacceptable and should not receive U.S. support of any kind. ... Chairman of the Joint Chiefs of Staff Michael Mullen

was sent to South Korea to deliver a message of strong U.S. support, while seeking to ensure that the South Korean operation did not lead to escalation.<sup>26</sup>

What looks like North Korean provocations were part of a pernicious interaction between North and South. In a chapter-long discussion of the logic of deterrence in Korea, Cha observes that "the Yeonpyeong shelling made Koreans acutely aware of the deteriorating strategic spiral they were locked in" and astutely adds,

On the one hand, Washington saw the need to deter further provocations; on the other, it did not want its ally to overreact. South Korean military officials' assurances that they could 'control the escalation ladder' created more concern than calm that both countries could miscalculate, entrapping the United States in a war.<sup>27</sup>

The very steps taken by each side to bolster deterrence led to clashes.

Yet neither Bader nor Cha mention the chain of events that brought the North and South to this dangerous place. For example, neither mentions President Lee's rejection of a 2007 North-South summit agreement containing a pledge "to discuss ways of designating a joint fishing area in the West Sea to avoid accidental clashes and turning it into a peace area and also to discuss measures to build military confidence."<sup>28</sup> Had such arrangements been negotiated, could these incidents have been prevented?

In Cha's assessment, Washington put every inducement on the negotiating table but Pyongyang was not interested in a deal:

Taken together, Clinton's agreements of 1993, 1994, and 2000 set out a model of quid pro quos for denuclearization: energy assistance, security assurances, political normalization, and a peace treaty in return for denuclearization. While these offerings had existed implicitly in the initiatives of previous administrations, they were made explicit under Clinton. George W. Bush basically ended up offering similar incentives in return for denuclearization.<sup>29</sup>

Making offers is one thing, carrying out negotiating commitments quite another. That was something neither the Clinton nor the Bush administration managed to do with any consistency.

### **Moonshine on Sunshine**

Fitful negotiating was not the only dubious consequence of US policy. Its reluctance to try sustained economic, educational and cultural engagement, the only way to affect internal change in North Korea, is even more puzzling. Bader and Cha even disparage Seoul's engagement efforts. Bader asserts that "the South Korean government under President Roh Moo Hyun seemed desperate to reach any kind of deal with the North Koreans but was unable to use its leverage in any effective way."<sup>30</sup> Cha writes, "North Korea countered the Sunshine Policy with its own Moonshine Policy, exploiting the South's generosity while offering little in return."<sup>31</sup>

Greater reciprocity by Pyongyang would surely have been preferable but Bader and Cha seem to deny the transformative effects of even unrequited engagement with North Korea. For instance, markets laden with Chinese goods weaned the North Korean people from total dependence on the state. When an ill-considered currency "reform" in 2009 disrupted the markets, popular discontent forced the regime to reverse course and apologize. Without Chinese engagement, were such actions conceivable? For a more detailed understanding of the Sunshine Policy and the South's dealing with the North over the past two decades, Americans might benefit from reading the detailed and informative account of one of the policy's architects, Lim Dong-won, just issued in English, rather than boilerplate assertions by Americans uninterested in history.<sup>32</sup>

"The Sunshine Policy was not about fomenting revolution," Cha complains.<sup>33</sup> Its "unwritten purpose" was to avoid a sudden collapse: "to push off unification for as long as needed, possibly for generations" and facilitate "a slow and controlled process of integrating the two Koreas."<sup>34</sup> He finds that objectionable: "What is interesting today is that not only in the Blue House, but across the conference circuit in five-star hotels in Asia as well as in the corridors of power in government capitals, the once-taboo topic of unification is now discussed more openly than ever in the last decade of Sunshine Policy."<sup>35</sup> The Lee Myung Bak government was "using money from the unification ministry that used to be spent on economic handouts to the North under the Sunshine Policy."<sup>36</sup> Instead of trying to change North Korea, South Korea under Lee is trying to change the minds of non-Koreans—"to socialize the globe about Korean unification."<sup>37</sup> This development might satisfy an academic interest but did little to advance the national security of the Korean people and their allies.

If negotiations and engagement were unlikely to yield results, then there is little for policy-makers to do but wait for the regime to collapse, or as Cha puts it, "any administration must understand that patience is part of a policy to wait out the regime."<sup>38</sup> In this view, collapse is a *deus ex machina* that relieved officials of the difficulty of crafting a North Korea policy.

### **Future Prospects**

Instead of collapsing, North Korea has strengthened its bargaining position over time. The negotiating history has also sowed doubts in Pyongyang, not just in Washington, about the potential for negotiations.

On February 29 Pyongyang had committed itself, among other things, to a moratorium on nuclear- and longer-range missile tests, and suspension of uranium enrichment at Yongbyon under international monitoring. Washington, in turn, committed itself to improve bilateral relations as well as provide food aid, which the North asked for as a "confidence-building measure."

Left unresolved was whether the missile test moratorium precluded satellite launches. That is important because the first two stages of the rocket North Korea uses to put a satellite into orbit are indistinguishable from a longer-range missile to deliver a nuclear warhead. The North's negotiators insisted it has a sovereign right to launch satellites despite a U.N. Security Council ban. U.S. negotiators responded that a satellite launch would be a deal-breaker.

Unlike the past, Pyongyang had no reason to conclude that Washington would not keep its commitments. So why did Pyongyang test launch its rocket so soon after February 29?



South Korean TV shows a graphic of North Korea's April 2012 failed rocket launch.

Those actions were set in motion by his father, Kim Jong II, North Korean officials say. They insist that the "new generation" in power wants improved relations with Washington. There is some evidence for their contention. The commitments were originally to have been formalized at a bilateral meeting in December, the week that Kim's father died. Preparations for the rocket launch were under way by then. So were preparations for a nuclear test. In announcing the test-launch, moreover, North Korea's media referred repeatedly to his father, not Kim Jong-un.

One possibility is that Kim Jong-il had grown tired of waiting for Washington to change course and decided to put U.S. intentions to a sterner test: force it to swallow the rocket launch and live up to its February 29 commitments anyway. If it did not, he could then use that as a pretext for conducting a third nuclear test.

Militarily, a successful test could demonstrate a new "miniaturized" nuclear device that North Korea officials say it has, one capable of being delivered by missile. That could alter the regional balance of power to the detriment of Japan's security. Politically, a nuclear test would cross the Rubicon in relations with the outside world with major implications for the North's economy.

Pyongyang has been pursuing a strategic alternative to improving relations with Washington, Tokyo, and Seoul. The first sign of this change in strategy came in a widely publicized trip by Kim Jong-il to Russia last year, when the elder Kim opened the way to playing off Russia against China, much as *his* father did during the Cold War.

Nuclear restraint would suggest a different course. For years, North Korean officials have been saying they want to improve relations with the United States, Japan, and South Korea and were prepared to curb their nuclear and missile programs in return. An end to enmity — what the DPRK calls U.S. "hostile policy" — would improve North Korean security and provide a counterweight to China. It could open the way to deeper engagement with Seoul and Tokyo, leaving Pyongyang less dependent on Beijing for aid and investment. Talks with Japan may be one sign of that strategy. Talks with Seoul will have to await the outcome of this December's presidential election there.

According to a DPRK Foreign Ministry spokesman's statement on May 22, Pyongyang had told Washington it was exercising just such restraint:

Several weeks ago, we informed the U.S. side of the fact that we are restraining ourselves in real actions though we are no longer bound to the February 29 DPRK-U.S. agreement, taking the concerns voiced by the U.S. into consideration for the purpose of ensuring the peace and stability of the Korean Peninsula necessary for focusing every effort on the peaceful development. *From the beginning, we did not envisage such a military measure as a nuclear test* as we planned to launch a scientific and technical satellite for peaceful purposes.<sup>39</sup>

If the North wants to begin restoring confidence, refraining from nuclear tests would be a start. But it will also have to begin implementing the rest of its February 29 commitments, as well as refrain from testing missiles, whether or not in guise of launching a satellite.

North Korean diplomats, however, are signaling a hardening of the North's position, in another attempt to force the United States to clear a higher hurdle. If so, that would be a misreading of the political leeway for negotiations in Washington, regardless of who wins the November elections.

Wall Street's standard disclaimer applies as well to North Korea: past performance is no guarantee of future results. Sustained negotiation and engagement may well have failed, had they been tried. Yet officials' denial of the past is an excuse for the lack of a North Korea policy, especially one as uncertain and politically difficult as negotiation and engagement.

Bader begins his book by quoting Voltaire: "History is a pack of lies we play on the dead."<sup>40</sup> These official accounts illustrate Voltaire's point only too well. Northeast Asia is now living with that legacy.

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## Notes

<sup>1</sup> Jeffrey A. Bader, *Obama and China's Rise: An Insider's Account of America's Asia Strategy* (Washington: Brookings, 2012), p. 7.

<sup>2</sup> Bader, p. 92.

<sup>3</sup> Victor Cha, *The Impossible State: North Korea, Past and Future* ((New York: HarperCollins, 2012), pp. 3, 17.

<sup>4</sup> Bader, p. 7. (Emphasis added.)

<sup>5</sup> Bader, pp. 29-30.

<sup>6</sup> Bader, p. 13.

<sup>7</sup> Condoleezza Rice, *No Higher Honor: A Memoir of My Years in Washington* (New York: Crown, 2011), p. 648.

<sup>8</sup> Bader, p. 12.

<sup>9</sup> Agreed Framework, Section II.

- <sup>10</sup> Bader, p. 27.
- <sup>11</sup> Cha, p. 256.
- <sup>12</sup> Doug Struck, "North Korean Program Not Negotiable, U.S. Told N. Korea," *Washington Post*, October 20, 2002, p. A-18. (Emphasis added.)
- <sup>13</sup> Rice, p. 161. (Emphasis in original.)
- <sup>14</sup> Rice, p. 162.
- <sup>15</sup> Cha, p. 278.
- <sup>16</sup> Cha, p. 257.
- <sup>17</sup> Rice, p. 159.
- <sup>18</sup> Rice, p. 163.
- <sup>19</sup> Rice, p. 348.
- <sup>20</sup> Rice, p. 525.
- <sup>21</sup> Rice, p. 521.
- <sup>22</sup> Cha, p. 264.
- <sup>23</sup> Cha, p. 10.
- <sup>24</sup> Bader, pp. 30-32.
- <sup>25</sup> Bader, p. 31.
- <sup>26</sup> Bader, pp. 90-91.
- <sup>27</sup> Cha, p. 242.
- <sup>28</sup> 2007 Declaration on the Advancement of South-North Korean Relations, Peace and Prosperity.
- <sup>29</sup> Cha, p. 290.
- <sup>30</sup> Bader, p. 13.
- <sup>31</sup> Cha, p. 403.
- <sup>32</sup> Lim Dong-won, *Peacemaker: Twenty Years of Inter-Korean Relations and the North Korean Nuclear Issue*, (Stanford: Shorenstein Asia-Pacific Research Center/Brookings, 2012).
- <sup>33</sup> Cha, p. 161.
- <sup>34</sup> Cha, p. 394.
- <sup>35</sup> Cha, p. 408.
- <sup>36</sup> Cha, p. 414.
- <sup>37</sup> Cha, p. 413.
- <sup>38</sup> Cha, p. 454.
- <sup>39</sup> KCNA, "Declaration of G8 Summit Pulling up DPRK over Satellite Launch Refuted," May 22, 2012.
- <sup>40</sup> Bader, p. vii.