

North Korea's Likely Negotiating Strategy toward South Korea Following the US-China Summit

Kim Jin Ha

Research Fellow, Center for North Korean Studies

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At their summit meeting in Washington on January 19th, Chinese Premier Hu Jintao and US President Obama held a joint press conference to announce a 41-point joint statement.¹⁾

The event drew much attention in South Korea, as the two leaders searched for solutions to knotty problems such as the rise in inter-Korean tensions since the Cheonan sinking and attack on Yeonpyeong Island by North Korea in 2010 and the renewed concerns about the North Korean nuclear issue in the wake of recent revelations about North Korea's uranium enrichment facility. Meanwhile, with the recent intensification of the US-China rivalry, many were pessimistic about the possibility of the two sides reaching agreement on a solution to the peninsula's problems. Ultimately, the two leaders came up with a compromise, calling for "meaningful progress in inter-Korean relations" as a pre-condition for "conditionally re-starting the 6 Party Talks."

Hardly one day after the statement was announced, North Korea announced a proposal in the name of Armed Forces Minister

1) The full text of the statement is available at <<http://www.whitehouse.gov/the-press-office/2011/01/19/us-china-joint-statement>>.

Kim Young Chun calling for inter-Korean high-level military talks “in order to clarify our views on the Cheonan incident and the Yeonpyeong artillery battle and to relieve military tensions on the Korean peninsula.” The South Korean side seemed to respond somewhat positively to this proposal. It was a very prompt response. It even appeared as if there had been close coordination with the Chinese side beforehand. It appears that the regional situation is evolving rapidly.

In this paper, I will 1) examine the elements of the US-China summit agreement which relate to Korean affairs, 2) predict and analyze the potential negotiating tactics which North Korea might employ at the upcoming inter-Korean high-level military talks, which are to be the first inter-Korean contact following the US-China summit, and suggest possible response tactics.

The US–China Summit Agreement Regarding Korea: Conditional Restart of the 6 Party Talks

This paper will deal with the parts of the joint statement involving Korea, which with are consolidated chiefly in Article 18.

First, both sides agreed to the major guiding principle of “maintaining peace and stability on the Korean Peninsula,” following the framework set forth by “the Joint Statement of September 19, 2005 and relevant UN Security Council Resolutions” (specifically, Resolutions 1695, 1718, and 1874).²⁾

The statement reaffirmed that achieving the “denuclearization of the Korean peninsula” through bilateral negotiations and international sanctions is the key to maintaining peace on the peninsula. It also affirmed that the North Korean nuclear threat is not just an issue between the US and North Korea but one that concerns many countries, including China, and its resolution must be pursued internationally. As US State Department Spokesman Assistant Secretary Philip J. Crowley made clear in a statement on January 24th, the only appropriate venue for resolving this issue is the 6-party process-not direct US-DPRK negotiations.³⁾

2) For details on the 9.19 Agreement and Resolutions 1695, 1718 and 1874, refer to: Cho Min and Kim Jin Ha, *Chronology of the North Korean Nuclear Issue 1955-2009*, (Seoul: KINU, 2009).

3) Department of State, “Daily Press Briefing by Philip J. Crowley, Assistance Secretary,” Washington, DC, January 21, 2011, <<http://www.state.gov/t/pa/prs/dpb/2011/01/155163.htm>>.

By approaching Korean peninsula issues within the framework of the agreement from the 6 Party Talks, the two sides agreed in principle on the Chinese proposal to re-open the talks, while the Chinese side sought out points of compromise on indirect demands that they faithfully carry out the international sanctions against North Korea. The latter half of the statement again emphasized that North Korea must follow through on its “international obligations and commitments” related to the 9.19 agreement. Citing the successive breaches of promises by the North Korean side as a major factor in the breakdown of the 6 Party Talks, this statement appears to be an indirect projection of US demands that China faithfully participate in sanctions and exercise its influence on North Korea.

Second, both sides emphasized the importance of improving inter-Korean relations, agreeing that “sincere and constructive inter-Korean dialogue is an essential step” to early resumption of the 6 Party Talks. This corresponds with South Korea’s principle that the North Korean nuclear issue must be resolved by way of inter-Korean dialogue. This reflects the principle of “resolving our own problem ourselves,” in the format “denuclearization via 6 Party Talks, 6 Party Talks via progress in inter-Korean relations, progress in inter-Korean relations via North Korean sincerity.”

In reflection of the Chinese position, the current impasse in inter-Korean relations brought on by the Cheonan sinking and the Yeonpyeong attack was expressed neutrally as “heightened tensions on the peninsula triggered by recent developments.” However, just as close ROK-US cooperation has proven effective, the ROK government’s insistence on the criterion of sincerity in North Korea’s proposals for talks has achieved the diplomatic results described in the joint statement.

Regarding the progress of inter-Korean relations, the statement includes a somewhat vague call for “sincere and constructive” measures. Prior to the summit, on December 16th, Assistant Secretary Crowley explained the US demand that in order to resume the 6 Party Talks, North Korea must show satisfactory and constructive movement on a number of preconditions such as 1) ceasing provocations; 2) reducing tensions in the region; 3) improving relations with South Korea; 4) taking positive steps toward denuclearization in line with the 9.19 Joint Statement; 5) abiding by the international obligations imposed on it by the UNSC resolutions.⁴⁾ By extension, on January 10th Secretary Crowley added that if North Korea would make a public pledge not to attack South Korea or undertake further provocations that threaten South Korea, that would help to create an environment conducive to productive and sustainable inter-Korean relations.⁵⁾

4) Department of State, “Daily Press Briefing by Philip J. Crowley, Assistance Secretary,” Washington, DC, December 16, 2010, <<http://www.state.gov/t/pa/prs/dpb/2010/12/153016.htm>>.

In a January 20th daily briefing, US State Department Spokesman Mark C. Toner stated that the US viewed North Korea's recent proposal for military talks as a good sign, but emphasized that it must be followed up by "more concrete actions," adding that the assessment of what constitutes positive and constructive action is primarily South Korea's concern, and it should be allowed to determine the framework for judging those actions through talks between the two Koreas.⁶⁾ Ultimately, the implication is that these positive and constructive actions should be left "for South Korea to define."⁷⁾

Already on January 10th the ROK government released a commentary via a Unification Ministry representative proposing that 1) North Korea must take responsible actions in regard to the Cheonan sinking and the Yeonpyeong attack, making a firm promise to prevent any such provocations in the future; 2) North Korea's sincerity regarding denuclearization must be confirmed through inter-Korean dialogue. This is essentially South Korea's declaration of what is needed. With US support, in the phase following the summit we must work to ensure that North Korea and China do not devalue the inter-Korean dialogue as a mere formality on the way to resuming the 6 Party Talks. The ROK government must take the initiative in both the justification and the practical benefits, consistently adhering to its principles of 1) rejecting dialogue for the sake of dialogue and 2) solving our own problems by ourselves.

Third, while the statement spoke indirectly of "north Korea's claimed" it reflected the US stance in specifying North Korea's uranium enrichment program (UEP) as a matter of concern for both sides.

Although the North Korean UEP issue was not brought before the UNSC as South Korea and the US had wanted, it is significant that we were able to get a partial concession from China in formulating a kind of joint statement on denuclearization. In regard to North Korea's proposal for military talks immediately following the summit and South Korea's positive review and counter-proposal, White House Spokesman Robert Gibbs described it as a step forward, and added that the US-China summit had helped to create positive conditions by showing South Korea that the US and China are aligned in dealing with North Korea's acts of aggression, as when both sides expressed concern over North Korea's UEP program. This appears to be a concentrated effort to emphasize China's role.⁸⁾

5) Department of State, "Daily Press Briefing by Philip J. Crowley, Assistance Secretary," Washington, DC, January 10, 2011, <<http://www.state.gov/r/pa/prs/dpb/2011/01/154205.htm>>.

6) Department of State, "Daily Press Briefing by Mark C. Toner, Acting Deputy Department Spokesman," Washington, DC, January 20, 2011, <<http://www.state.gov/r/pa/prs/dpb/2011/01/155027.htm>>.

7) *Ibid.*

Through the 6 Party Talks a framework has been established for doing the work of monitoring, controlling and dismantling the North's UEP as well as its existing plutonium production facility. The proposal to create a US-China Center of Excellence on Nuclear Security is another reflection of China's more pro-active stance, showing that at least on issues of nuclear proliferation both countries share a common motivation for deterrence. This can indirectly work to apply pressure on North Korea.

Although their levels of enthusiasm may differ, the leaders of the US and China both have suggested renewed 6 Party Talks as a negotiating framework. Also, as a litmus test of North Korean sincerity, both have called for North Korea to take concrete steps to ease out of the current state of inter-Korean conflict and military tensions.

The Inter-Korean Military Talks and North Korea's Negotiating Strategy

As if trying to evolve out of the confrontational phase of the past year, since the beginning of 2011 North Korea has been making a concerted push for dialogue. The result of this latest US-China summit, which raised the possibility of restarting the 6 Party Talks, is likely to spur on this dialogue offensive. The ROK government is also aware that the current military tensions cannot be allowed to continue indefinitely, and it must demonstrate its trustworthiness to the domestic and international audience by showing that it is preparing a detailed negotiating strategy and is taking the lead in overcoming the current obstacles.

As North Korea appears to be devoting its efforts to convening inter-Korean high-level military talks as an important step on the road to restarting the 6 Party Talks, let us consider our possible response strategies for dealing with various negotiating strategies they may pursue, by category. Conciliatory strategies by the North can be divided into 2 forms according to their objectives and intensity: [strategy I: going through the motions] and [strategy II: charm offensive]. Other options, such as [strategy III: internal crackdowns] and [strategy IV: hints of provocations], are aggressive strategies which include the probability of additional provocations.

[North Korean negotiating strategy I: going through the motions] If North Korea does not harbor any high hopes for major achievements such as obtaining aid from the South through progress in inter-Korean relations or launching into direct dialogue with the US

8) White House, "Press Briefing by Press Secretary Robert Gibbs," Washington, DC, January 20, 2011, <<http://www.whitehouse.gov/the-press-office/2011/01/20/press-briefing-press-secretary-robert-gibbs-1202011>>.

and it sees the 6 Party Talks as the only feasible option, then this is a customized strategy it may choose.

If North Korea chooses this strategy, it will likely observe the formalities of inter-Korean dialogue, as a procedural stepping stone fulfilling the conditions of “sincerity/concrete steps” necessary for restarting the 6 Party Talks. With China’s support, North Korea will make just enough concessions to gain the partial consent or tacit approval of international observers like the US and China. In short, the major factors determining the success or failure of this strategy will be the US’ judgment and China’s ability to push things forward. In light of the current international situation, this is the strategy North Korea is most likely to choose.

The issue of which sort of apologies or measures will be needed to show sincerity will be the first major obstacle which must be resolved at the upcoming inter-Korean preliminary military talks. While sorting out the questions of right or wrong concerning last year’s military provocations (described from the North Korean and Chinese perspective as an outbreak of unstable conditions), it is likely that political maneuvering and intense negotiations will unfold around the issue of formulating some “sincere and constructive” actions capable of reducing tensions, such as some form of apology and/or assurance against future provocations. In the process they may try various scale-trading tactics, such as challenging the validity of the NLL and calling for a new investigation of the Cheonan incident, while limiting the degree and scope of the apology and trying to shift blame to the South Korean side.

In order to prepare a minimal justification for their argument that responsibility for the rupture in inter-Korean relations lies with the South Korean side, they may try to take the lead in making some forward-looking proposal. On the other hand, after completing extended negotiations and undergoing the tedious process of defending different versions of the truth, they may ultimately make a formal expression of indirect acknowledgment on the Cheonan sinking or regret about the Yeonpyeong attack.

It may become increasingly difficult for South Korea to continue to stand alone and demand a more sincere and straightforward apology. This may create a situation in which the strength of ROK-US cooperation and the willpower and perseverance of the ROK government will be tested. Amid the heated national debate in the South between pro- and anti-North factions, the ROK government may find itself in a difficult position.

[North Korean negotiating strategy II: charm offensive] There is also the possibility that North Korea may pursue a more direct charm offensive, either through the 6 Party Talks or through improved inter-Korean relations and renewed economic cooperation, in

order to gain external aid, reduce inter-Korean tensions, and break through the current impasse.

Cycles of provocations and negotiations are a basic feature of North Korea's diplomatic strategy, and considering the critical situation caused by the provocations of 2010, it is not unreasonable to suppose that unprecedented proposals or apologies may occur. Depending on the willpower and negotiating tactics displayed by the ROK side during the preliminary talks, as well as shifts in international opinion, the forcefulness of the apologies or promises delivered may be readjusted from the level hypothesized in [strategy I]. The key will be extracting the maximum benefits at the minimum expense.

North Korea is currently facing extreme economic distress due to international sanctions and pressure, rising popular frustration and social deviance, internal stagnation and signs of unrest brought on by inter-Korean tensions. It desperately needs foreign aid and security assurances to guarantee regime survival. This probably also explains the true intentions behind North Korea's sudden calls for dialogue from the start of this year.

However as North Korea is currently focused on establishing the succession system, an apology directly acknowledging North Korea as the perpetrator would be interpreted as an acknowledgment of the failure of the hard-line policy and would thus be politically problematic, and as the military leaders will be the direct agents of these negotiations, the realistic probability of such an outcome at these upcoming military talks is low and should be regarded as an "optimistic" scenario.

[North Korean negotiating strategy III: internal crackdown] In this scenario, the North Korean regime is more concerned about internal players - i.e., its domestic audience - than it is about South Korea and the international community. It will choose this strategy if it judges internal solidarity to be of higher priority than external economic aid.

The pro-negotiation camp and party and government bureaucrats involved with the economy may grow critical of the negative effects of the policies of military adventurism pursued by the military and *songun* security agencies. The latter may attempt through this round of military talks to prove that the blame for the current confrontational phase lies with the South Korean side. Even if they were pushed into talks by Chinese pressure and arguments from the opposition, they may use these talks to re-establish their own legitimacy. They may also take the opportunity to suppress the growing public unrest.

As internal divisions deepen, the North is likely to take a more hard-line negotiating stance. In the process of establishing the successor, which is expected to lead to (or have already led to) divisions and shifts in political alignment, if the *songun* political establishment goes ahead with these inter-Korean talks in order to re-assert confidence in Kim Jong Il and

consolidate their internal political hegemony, they may use the talks as a stage for political theater.

In directly blaming South Korea for the rise in tensions, they may seek to induce the South Korean side to take a hard-line negotiating stance. We must also consider the possibility that the talks themselves might transform into a sort of battlefield (minus the gunfire) as intense psychological battles break out between the two sides. If the talks break down, they may make an even stronger provocation and further aggravate tensions within South Korea, while strengthening their own internal control (or even enacting purges) at the same time.

[North Korean negotiating strategy IV: hints of provocations] From the start North Korea may approach the inter-Korean talks with the intention of using them as a catalyst to raise the crisis level on the peninsula. From the time of the first nuclear crisis when Kim Jong Il emerged as the supreme ruler, the regime has persistently employed a peculiar kind of brinkmanship in which, after instigating a crisis, they hold negotiations to present their demands, and then if they don't get what they want they immediately conduct a more extreme military provocation.

However the events of 2010 have taken this tactic to a new level; last year was a turning point in which radical offensives took matters nearly to a state of limited war or local war. As an extension, the North may use these military talks to create more turmoil by making open threats and hints of further provocations. There may be more talk of turning Seoul into a sea of fire. Through hints of additional provocations and attacks they may seek to exacerbate the atmosphere of terror. In this strategy the act of negotiating becomes yet another means of applying threats. Disappointed by the outcome of the US-China summit and frustrated by South Korea's firm principled stance since the Cheonan attack, it is possible that the embattled North may choose such an extreme approach.

However it is impossible to tell whether North Korea will attempt this extreme hard-line ploy. The North's aggressive *songun*-style drive - threatening the other side in order to force the negotiations along and increase their negotiating power while seeking to expand their share of benefits - has produced unwelcome side effects over the last several years such as the ROK's patient principled policy and stronger ROK-US cooperation.⁹⁾ This has brought on a self-destructive boomerang effect in which the North's isolation has deepened and its economic troubles have worsened. Further, it can be said that the heightening

9) Narushige Michishita, "Playing the Same Game: North Korea's Coercive Attempt at U.S. Reconciliation," *Washington Quarterly*, Vol.32, no.4 (October 2009), pp. 139~152.

of inter-Korean military tensions over the last year has actually been more harmful to the North. These repeated painful experiences should have taught a valuable lesson. Additional threatening behavior will only cause China, which has backed up the regime thus far, to feel a deeper sense of anger and betrayal. Considering all of these points, even if the North wanted to pursue this extremely dangerous tactic they would have a hard time doing so.

However, as explained above, if internal political frictions are more serious than they appear to outside observers, they may turn to extreme measures out of desperation at their inability to maintain control. We must be thoroughly prepared for each possibility, however unlikely it may seem.

While [Strategy I] may seem like the most likely choice, in this extreme situation it is impossible to know what actions the North Korean leadership will take. The process of the preliminary talks will also be important. These talks can be a litmus test for determining North Korea's intentions and rough strategy.

If North Korea demonstrates an attitude of "sincere" cooperation, rooted in the principles of proportionality and reciprocity that underlie South Korea's renewed initiative, then it should be possible proceed with confidence in building reciprocal inter-Korean relations. Also, in the international negotiating process for re-starting the 6 Party Talks, they will gain the flexibility to participate directly as a leading actor in preparing proposals which can produce workable results.

It is more important for us to focus on preparing our negotiating stance and principles beforehand. We must make sure the North Korean side clearly understands our demands, such as an apology for the provocations of the last year, assurances that such events will not recur, and clarification of their intentions toward denuclearization. Also, we must demonstrate plainly our firm determination to adhere to our principles and achieve these goals.

Regarding the issue of determining the degree of apology required from the North and the level of concrete measures that must be taken to prevent future recurrences, we need to work to achieve "practical measures" capable of producing "results which can be tangibly verified." North Korea must be made to understand that if they attempt proposals which are impossible for us to accept, such as raising the NLL as a political issue and or calling for establishment of a peace zone in the West Sea, such moves will be regarded as evidence of insufficient sincerity. We must make it clear that faux sincerity is unacceptable. We must also focus our diplomatic efforts on achieving understanding among the US, China, and the other 6 party members that no concessions can be permitted on this point.

We should be aware that provocations may recur in the event that the talks break up or North Korea attempts to employ one of the extreme strategies described above. We should devote all our efforts to “detering” North Korea by strengthening ROK-US security cooperation as well as maximizing our defense and crisis management capabilities.

Domestically we should work harder to create national consensus on the North Korea problem and minimize fractures in the national discourse. In a democratic system, the public’s autonomous participation and broad-based support are the strongest forces backing up the government and helping it to exercise its policies consistently.