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**Interview with L. Gordon Flake**  
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**USAPC: Amb. Christopher Hill, former Assistant Secretary of State for East Asian and Pacific Affairs, has said that the Six-Party Talks no longer are an effective means of realizing denuclearization of North Korea. Please elaborate why you do not necessarily share that view.**

**Flake:** The Six-Party Talks were never a venue conducive to substantive negotiations and there is certainly nothing magic about 30-some-odd people sitting around a large round table. However, whatever debates about format might have existed at the outset of the Six-Party Talks, the question now is less about form and more about function.

The Six-Party Talks now have content, particularly in the form of the September 19, 2005 Joint Statement. This content has critical meaning in responding to North Korea's nuclear ambitions.

North Korea has withdrawn from the Nuclear Nonproliferation Treaty, declared its obligations to the International Atomic Energy Agency (IAEA) null and void, and asserted that it is a nuclear power. Yet in the September 19, 2005 Joint Statement, North Korea committed to the other five parties that it will abandon "all nuclear weapons and existing nuclear programs and [return], at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards."

This is the last standing commitment to which North Korea might be held that requires Pyongyang to disarm unilaterally, as opposed to North Korea's current demand for global and mutual nuclear disarmament. Abandoning the Six-Party Talks at this point, in effect, would release North Korea from its obligations under the standing agreements of those talks and *de facto* recognize and validate Pyongyang's assertion that it is a nuclear power and must be accepted as such.

Even if there never is another plenary meeting, the Six-Party Talks remain an important symbol of the shared commitment of the other countries in the region not to accept North Korea's abrogation of international treaties and norms related to nuclear weapons. In some respects, the Six-Party Talks are very much alive, as evidenced by the close and frequent coordination and communication between Washington, Tokyo, Beijing, Seoul, and Moscow.

**USAPC: Senate Foreign Relations Committee Chairman John Kerry (D., Massachusetts) and Committee Ranking Member Richard Lugar (R., Indiana) have advocated a new approach to the North Korean conundrum, involving bilateral outreach from the United States. Please explain why you feel the Obama administration's approach, which features close cooperation with South Korea and Japan, a tough stance on economic and humanitarian aid, and so forth, is the best approach at this time.**

**Flake:** The United States should never hesitate to use all the diplomatic tools at its disposal, and it is important to ensure that we have a channel of communication with North Korea sufficient to avoid the risk of tragic miscalculation. Nevertheless, there is little if any indication that a new bilateral approach toward North Korea bears enough promise to outweigh the considerable down-side risk.

To begin with, the United States should be particularly sensitive to South Korea's position – particularly in view of the two provocations last year against our ally that can only be considered acts of war. This is not just a diplomatic favor. In reality, there is no scenario in which negotiations with North Korea can prove effective absent meaningful progress in North-South relations.

More fundamentally, until North Korea abandons its assertion that it is a nuclear power and must be dealt with as a nuclear power, there is the not-insignificant risk that an attempt to initiate a bilateral negotiation with North Korea would be interpreted by others in the region as a weakening of US resolve not to recognize North Korea as a nuclear power. Until there is some meaningful indication of “seriousness of purpose” in North Korean statements or actions, the United States would do well to focus its resources on maintaining strong alliance relationships with South Korea and Japan. In addition, Washington should seek to moderate Chinese behavior as a first step in improving North Korean behavior.

*The following are excerpts of Mr. Flake's testimony before the Senate Foreign Relations Committee on March 1, 2011.*

There have been several important developments in the region that have enabled North Korea to escalate its provocative behavior. Any effort to seriously address the recent cycle of North Korean provocations must begin with an attempt to understand the root causes of Pyongyang's actions.

### **It's Not Necessarily 'All About Us'**

First, and perhaps difficult for Americans to acknowledge is that the role of the United States in fueling North Korean behavior may be much less than we think.

Absent reliable information on North Korea's internal decision-making process, a common conceit in the United States is to assume that North Korean actions and statements are somehow “all about us,” motivated by and targeted to an audience in the United States. The problem with this approach is that the conclusion drawn inevitably seems to be the same no matter what the North Korea action.

Thus, North Korea's long range missile tests and nuclear tests are purported to be attempts to force the US into direct bilateral talks. Pyongyang's August 2009 decision to divest itself of two imprisoned US journalists for the price of having former President Clinton pick them up is likewise seen as a sign of outreach to the United States, as was the decision to turn over the unfortunate Ajalon Gomes to former President Carter in August of 2010.

More recently, in early November 2010 when North Korea showed separate delegations from the United States evidence of construction on a new light water nuclear reactor and a surprisingly sophisticated uranium enrichment facility, calls for the United States to resume negotiations with North Korea were both immediate and predictable.

Even after North Korea shelled the South Korean coastal island of Yeonpyeong on November 23, 2010, in a drastic and highly provocative escalation of the long-standing inter-Korean tensions in the West Sea, some Americans persisted in interpreting this action in context of US-North Korean relations.

For example, former president Jimmy Carter authored a *New York Times* op-ed entitled “North Korea Wants to Make a Deal” following his August visit to Pyongyang. He again urged the US to listen to “North Korea’s Consistent Message to the US” in a *Washington Post* op-ed that described the North’s unprecedented provocation as “designed to remind the world that they deserve respect in negotiations” and repeated North Korea’s insistence on “direct talks with the United States.”

### **All Politics Is Local**

Of course, there are alternate if equally improvable interpretations of North Korean intentions. Given the fact that North Korea has now repeatedly declared itself a nuclear power and declared its intent to develop nuclear deterrence as well as nuclear energy, its decision to test nuclear weapons and to construct both a light water nuclear reactor facility and a uranium enrichment facility might more logically be understood in the context of North Korea’s stated intentions and goals.

The notion that “all politics is local” is not only applicable to democracies. Herein lies the second factor related to the escalatory cycle – North Korean domestic developments. Pyongyang has made ample use of its nuclear tests and status in its internal propaganda. In fact, there is disturbing evidence suggesting that much of the current crisis in North Korea is related to internal disturbances. Following Kim Jong-II’s apparent stroke in 2008, the process of succession planning in North Korea appears to have been rushed.

Given the multitude of economic, societal and security challenges faced by the current regime, the prospects for a smooth transition to a third generation of Kims appear daunting. And as recent events in the Middle East have demonstrated the limits of American influence, it simply may be beyond our control to affect domestic developments in North Korea that are fueling its recent provocations.

### **Changes In The Inter-Korean Relations**

On a regional level, there are two factors most directly related to North Korea’s recent cycle of provocation. The first is the change in South Korea’s policy toward the North; the second, China’s increased support for Pyongyang despite North Korea’s egregious conduct.

After the better part of four decades of inter-Korean relations defined primarily by ongoing hostility and deterrence, the inauguration of the Kim Dae Jung administration in 1998 ushered in a policy of “peaceful coexistence” with North Korea. This was followed by a policy of proactive engagement, which was primarily manifest by the rather one-sided provisions of South Korean investment, fertilizer, and humanitarian aid to North Korea. The primary objective of this approach, particularly during the Roh Mu Hyun administration, was to ensure stability in North Korea, at least in the short run.

President Lee Myung Bak entered office in February 2008 espousing a long-term vision for inter-Korean relations that included significant South Korean investment in North Korea and a stated goal of dramatically increasing North Korean per capita GNP. But this approach was premised on changes on North Korean behavior, particularly on progress toward denuclearizing North Korea.

In practice, President Lee’s policy was a sharp departure from that of his predecessors. The president and his advisors more openly raised issues such as North Korean human rights, participated in international efforts to curb North Korea’s illicit activities, and changed the manner in which they handled development and humanitarian aid -- all changes that were very unwelcome in Pyongyang.

In another respect, President Lee’s approach to North Korea was at least in part a reflection of changing South Korean attitudes toward Pyongyang. Not only was there a growing sense that South Korea’s decade of largess was unappreciated and unreciprocated, but during the first years of the Lee Administration, a series of North Korean actions further influenced underlying South Korean public opinion and as a result Seoul’s policy toward the North.

On July 11, 2008, North Korean soldiers shot a South Korean tourist in the back at the Diamond Mountain resort. North Korea’s subsequent refusal to engage in a joint investigation of the incident led to a shuttering of the Hyundai-Asan operated tourist zone. The fact that this event took place in the context of a North Korean long-range missile test and nuclear test on April 5 and May 25, 2009, respectively, further hardened South Korean public opinion.

The detention of a South Korean employee at the Kaesong Industrial Complex for 137 days during the summer of 2009 further colored South Korean views of the prospects for engagement with North Korea. Tensions again rose in the West Sea with a naval altercation South Korea calls the “Battle of Daecheong” on November 10, 2009. This resulted in severe damage of a North Korean patrol boat and North Korean threats of retaliation.

The sinking of the *Cheonan* on March 26, 2010 and the tragic loss of forty-six South Korean sailors shocked the South Korean public. But initial uncertainty about the cause of the tragedy, the lengthy investigation, the fact that the incident took place out of sight and at night, and the fact that the initial findings of the investigation were announced shortly before South Korean local elections all served to make this particular incident politically divisive within South Korea.

That was not the case with the November 23, 2010 shelling of Yeonpyeong Island. The North Korean artillery barrage took place in broad daylight and was captured on videotape. Real time

images of columns of smoke streaming skyward from the island as panicked refugees fled the scene served to affect the most fundamental shift in South Korean public opinion toward North Korea in over a decade.

Suddenly President Lee Myung Bok, who in some circles was still considered to be a hardliner, was accused of failing to protect the nation and threatened with impeachment by some members of his party. President Lee was gradually pushed by public outrage to revise the rules of engagement and to state clearly that any future such incidents would be met with a considerable show of force.

### **Importance of US-South Korea Policy Coordination**

South Korea's changing approach to North Korea has also had a direct impact on US-South Korean relations and upon Washington's ability to coordinate its own policies toward North Korea. For example, much of the political difficulties experienced between Washington and Seoul during the tenure of President Roh Moo Hyun can be attributed to what were then rapidly diverging threat perceptions regarding North Korea.

Over the past three years, due in part to the laundry list of provocations noted above, there has been a dramatic re-convergence in US and South Korean perceptions of North Korea. But the improvement accelerated dramatically given the high priority the Obama administration placed upon prior consultation and coordination with its ally Seoul on all matters regarding North Korea. The June 19, 2009, Joint Vision Statement for the US-Republic of Korea (ROK) Alliance is an historic document.

This, along with the Korea US-Free Trade Agreement, South Korea's hosting of the G-20, and its role in and hosting of the next Nuclear Security Summit, lends substance to the claim that US-South Korean relations are the best that they have ever been.

The result of this convergence has been a remarkably principled, consistent and well-coordinated policy between Seoul, Washington, and Tokyo in regards to North Korea. Ironically, one of the most immediate causes of the most recent cycle of North Korean provocations may be the consistent and coordinated approach with which the Obama and the Lee administrations have responded to North Korea.

President Obama has repeatedly framed the joint US-ROK approach in the context of the need to "break the pattern" of responding to North Korean provocations with concessions and talks that do not make progress on core issues at hand. In response, it is North Korea that has vacillated between threats, inducements, provocations, charm offensives, and outright attacks in its attempt to force or cajole the United States and South Korea to abandon their current approach.

### **China's Enabling of Pyongyang's Misbehavior**

One way to understand Chinese priorities in North Korea is to focus on the more negative scenarios that China clearly hopes to avoid on the peninsula. They are the three "no's" -- no nukes, no collapse, and no war.

For the better part of the past eight years cooperation on addressing the challenges posed by North Korea has been a highlight of US-China cooperation. In the early months of the Obama administration, US-China cooperation on North Korea reached its arguable peak as, despite their initial misgivings, China supported a strongly worded Presidential Statement at the UN Security Council in response to North Korea's testing of a long-range missile. Shortly thereafter, on June 12 2009, China signed on to the most meaningful sanctions resolutions on North Korea to date, UNSC 1874.

While the exact cause of the shift is as of yet unknown, beginning sometime around the early fall 2009 there appears to have been a marked shift in Chinese priorities and views on how best to address the North Korean problem. Not only did they scale back their cooperation on implementing the UN Security Council sanctions, but they also began to be overtly and actively supportive of the Kim Jong-II regime.

One possible explanation is that given the concern over North Korean leader Kim Jong-II's health, the uncertainties surrounding the succession process in North Korea, and evidence of ongoing economic turmoil in North Korea, the Chinese leadership felt it necessary to place a higher priority on its objective of avoiding collapse in North Korea.

Stepped-up Chinese support for North Korea continued over the fall, and even when faced with the sinking of the *Cheonan* in March 2010, the Chinese leadership decided to double their bet on the Kim Jong-II regime rather than altering course. Chinese President Hu Jun Tao met Kim Jong-II not just once but twice in the aftermath of the *Cheonan* sinking and China repeatedly refused to hear evidence on or except conclusion that North Korea was responsible for this tragic event.

Similarly, following the North Korean shelling of Yeongpyeong Island, an act that killed two South Korean marines and two South Korean civilians China once again prevaricated and called for calm on all sides.

It is notable that over the period of shifting Chinese priorities with respect to North Korea there also has been a shift in US views of China's role, beginning with disappointment over Chinese implementation of UNSC sanctions. By the summer of 2010 these concerns were expressed as criticisms of China's willful ignorance of North Korean behavior.

US views shifted further still following the most recent revelations regarding North Korea's nuclear program and its November artillery barrage. China was openly accused of "enabling" North Korean bad behavior. China's failure to respond to the sinking of the *Cheonan* and condemn the shelling of the island added to the view in Washington that China is increasingly part of the North Korean problem.

### **Re-Focus On September 2005 Joint Statement**

In this context, the meeting this past January of President Obama and Chinese President Hu Jintao was particularly important. And there was some evidence of progress, at least in framing the North Korean problem.

While it may seem arcane, a single paragraph of the joint statement issued at the close of the summit offers cause for optimism. This is because it refers three times to the September 19, 2005 joint statement of the Six-Party Talks, in which North Korea committed to “abandoning all nuclear weapons nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards.”

This serves two important purposes: First, the statement sets a clear definition of what the US and China now jointly mean when we refer to “denuclearization,” including the denuclearization of the Korean peninsula. Second, in view of the fact that Six Parties unanimously reaffirmed that the goal of the talks is the verifiable denuclearization of the Korean Peninsula, Obama and Hu once again jointly defined the parameters of -- and indirectly a core requirement for -- the resumption of the Six-Party Talks.

Also of note, the January 19, 2011, Obama-Hu joint statement placed US and Chinese “concern regarding the DPRK’s claimed uranium enrichment program” clearly in the context of the September 19, 2005 joint statement.

Few analysts realistically expect China to abandon its erstwhile North Korean ally or to be proactive in putting major pressure on Pyongyang. However, at a minimum it is reasonable to expect China to recalibrate its position to make sure that it recognizes that in the process of trying to avoid collapse in North Korea, its approach actually is increasing the risk of conflict and the likelihood of the further advancement of North Korea’s nuclear program.

At this point, the key contribution China could make toward helping break the cycle of North Korean provocations would be to simply stop shielding North Korea from the consequences of its actions. In no small part, the current cycle of North Korean provocations has been abetted by, if not encouraged by, apparently unconditional support from China.